

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Board Meeting Agenda
TBAE Conference Room
The William P. Hobby Jr. Bldg., Tower II, Room 350L
333 Guadalupe Street
Austin, Texas
Thursday, February 2, 2012
9:00 a.m.

1. **Preliminary Matters**
 - A. Call to order
 - B. Roll call
 - C. Excused and unexcused absences
 - D. Determination of a quorum
 - E. Recognition of guests
 - F. Chair's opening remarks
 - G. Public Comments

Alfred Vidaurri
Chase Bearden
Alfred Vidaurri
2. **Approval of the October 20, 2011, Board Meeting Minutes (Action)**

Alfred Vidaurri
3. **Application for Placement on Exempt Engineer List (Action)**
Herb Byk (TBAE File #010.12E)

Scott Gibson/
Jack Stamps
4. **Legal counsel briefing on recent developments regarding litigation (Information)**

Ted Ross

 - A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
 - B. Richardson, Rogers and Winton v. TBAE

The Board may meet in closed session to confer with legal counsel regarding pending litigation and offers of settlement pursuant to TEX. GOV'T CODE ANN. §551.071(1)
5. **Executive Director Report (Information)**

Cathy Hendricks

 - A. Budget Review
 - B. State Auditor's Office Audit Report and Management's Response

Report on conferences and meetings (Information)

 - A. TSA 72nd Annual Convention – Oct 27-29, 2011
 - B. NCARB 2011 MBE Workshop – Nov 4-5, 2011
 - C. NCIDQ Annual Council of Delegates Meeting – Nov 11-12
 - D. Sunset Advisory Commission 1st Meeting of the Year – Jan 10, 2012
6. **Report on Engineer Applications (Information)**

Scott Gibson/
Chuck Anastos
7. **General Counsel Report (Action)**

Scott Gibson

 - A. **Adoption of Proposed Rules**
 - 1) Rules §1.69/§3.69/§5.79 increasing the number of mandatory continuing education program hours registrants must obtain annually; clarifying substance of acceptable continuing education.
 - 2) Rules §1.124/§3.124/§5.134 revising process for the registration and renewal of registration of business entities with the Board.
 - 3) Rule §7.10 adopting a fee for initial business registration, renewal of

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business registration and late registration fees.

- 4) Rules §1.232/§3.232/§5.242 to conform penalty matrix to amendments to business registration processes.
- 5) Rule §5.201 repealing obsolete provisions relating to repealed "grandfather" classes.

B. Draft Rules for Proposal or Committee Referral

- 1) Amendment to Rule §1.191 revising requirements to complete the Intern Development Training Program.
- 2) Amendment to Rule §1.192 to allow Applicants to begin earning credit under the Intern Development Program upon commencing education or experience.

8. Enforcement Cases (Action)

Michael Shirk

Review and possibly adopt ED's recommendation in the following enforcement cases:

A. Non-registrant

Hillrichs, Thayne (#134-11N)

B. Continuing Education Cases

Burt, John Vincent (#028-12A)

Gundersen, Charles (#072-12A)

Massock, Shawn William (#130-11L)

Merrick Tami (#071-12A)

Morris, Deborah Mary (#021-12A)

Stacy Sawyer (#050-12I)

The Board may meet in closed session pursuant to TEX. GOV'T CODE ANN. §551.071 to confer with legal counsel

9. Chair's Closing Remarks

Alfred Vidaurri

10. Adjournment

Alfred Vidaurri

NOTE:

- ◆ *Items may not necessarily be considered in the order they appear on the agenda.*
- ◆ *Executive session for advice of counsel may be called regarding any agenda item under the Open Meetings Act, Government Code §551.*
- ◆ *Action may be taken on any agenda item.*

NOTICE OF ASSISTANCE AT PUBLIC MEETINGS

Persons with disabilities who plan to attend this meeting and who need auxiliary aids or services (such as interpreters for persons who are deaf or hearing impaired, readers, large print or Braille), are required to contact Glenda Best at (512) 305-8548 at least five (5) work days prior to the meeting so that appropriate arrangements can be made.



FREQUENTLY USED ACRONYMS

AIA	American Institute of Architects
ASID	American Society of Interior Designers
ASLA	American Society of Landscape Architects
ARE	Architect Registration Examination
BOAT	Building Officials Association of Texas
CACB	Canadian Architectural Certification Board
CLARB	Council of Landscape Architectural Registration Boards
IDCEC	Interior Design Continuing Education Council
IDEC	Interior Design Educators Council
IDEP	Interior Design Experience Program
IDP	Intern Development Program
IIDA	International Interior Design Association
LARE	Landscape Architect Registration Examination
NAAB	National Architectural Accreditation Board
NCARB	National Council of Architectural Registration Boards
NCIDQ	National Council for Interior Design Qualification
TAID	Texas Association for Interior Design
TASB	Texas Association of School Boards
TBPE	Texas Board of Professional Engineers
TSA	Texas Society of Architects
TSPE	Texas Society of Professional Engineers

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of October 20, 2011 Board Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street

Tower III, Conference Room 102

Austin, TX 78701

9:00 a.m. until completion of business

1. Preliminary Matters

A. Call to Order

Chair Alfred Vidaurri called the meeting of the Texas Board of Architectural Examiners to order at 9:05 a.m.

B. Roll Call

Secretary/Treasurer, Chase Bearden, called the roll.

Present

Alfred Vidaurri, Jr.	Chair
Charles H. (Chuck) Anastos	Vice-Chair
Chase Bearden	Secretary/Treasurer
Bert Mijares, Jr.	Member
Brandon Pinson	Member
Diane Steinbrueck	Member (late arrived @ 9:30 (excused))
Debra Dockery	Member
Paula Miller	Member
Sonya Odell	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administrative Manager
Mike Alvarado	Registration Records Coordinator
James Coffman	IT Manager
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Kenneth Liles	Accounting Manager
Julio Martinez	Network Specialist
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

C. Excused and unexcused absences

None.

D. Determination of a quorum

A quorum was present.

E. Recognition of Guests

Guests were as follows: Ted Ross, Counsel to the Board from the Attorney General's Office; Donna Vining, Texas Association for Interior Design; David Lancaster, Texas Society of Architects, and Jeri Morey, Architect from Corpus Christi.

F. Chair's Opening Remarks

The Chair thanked everyone including Board members and the audience for attending the Board meeting. He stated that things the Board does today set the stage for tomorrow so he urged the Board members to carefully consider their decisions and actions today. The Chair moved on to Public Comment.

G. Public Comment

The Chair recognized Jeri Morey of Corpus Christi, Texas. Ms. Morey stated that she thought it was important for the Board to reconsider proposing a rule to require architects to report to the Board liability and settlement arising from lawsuits filed against them. She stated that she believed such a rule would encourage architects to settle lawsuits, learn the law and standards to avoid liability, and would encourage architects to work with clients and contractors to avoid misunderstandings that can lead to litigation. She also stated that the Board, in adopting the rule would provide a public service to prospective clients who would learn about an architect's lawsuits before deciding whether to hire the architect.

2. Approval of the August 18, 2011 Board Meeting Minutes

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO APPROVE THE AUGUST 18, 2011 BOARD MEETING MINUTES. Mr. Mijares stated that there is a comment in the minutes about the Board contemplating the renewal of a contract or otherwise prolonging the retention of the services of an independent auditing firm which did not accurately reflect the discussion of the Board. Mr. Mijares opined that it is important that the Board express its uneasiness about and dissatisfaction with responses made to questions during the report made by the firm. THE MOTION WAS AMENDED (Anastos/Dockery) TO STRIKE A SENTENCE REGARDING THE RENEWAL OF A CONTRACT WITH AN INDEPENDENT AUDITOR. THE MOTION PASSED UNANIMOUSLY.

3. Legal counsel briefing on recent developments regarding litigation

- A. TSPE v. TBAE and Cathy L. Hendricks in her official capacity as Executive Director
- B. *Richardson, Rogers, and Winton vs. TBAE*

The Board went into a closed session for a briefing on the litigation from Assistant Attorney General Ted Ross at 9:20 a.m. and adjourned the closed session at 10:30 a.m.

The Chair convened the Board in public meeting. With unanimous consent of the Board, the Board took a 15 minute recess and reconvened at 10:45 a.m.

4. Executive Director Report

- A. Budget

The Executive Director and the Accounting Manager gave a detailed explanation of 2011 budget, actual expenditures and revenue from fiscal year 2011, and the projected 2012 budget. The Accounting Manager explained to the Board that there was a \$121,896.09 surplus in fiscal year 2011. A number of applicants became

registered just before the close of the fiscal year because of the expiration of grandfathering provisions at the end of the year. The Accounting Manager reported that the cost of the audit by the State Auditor was commenced in fiscal year 2011 and will be reported as an expense from that year. The cost of the audit will be roughly \$50,000 which will reduce the 2011 surplus to approximately \$71,896.90. The Executive Director reported that the 6-month operating reserve balance is \$191,681.00 and is currently reported in fiscal year 2012, as fiscal year 2011 has ended and the balance is no longer reported for that year. In response to questions from the Board, the Executive Director and Accounting Manager explained variations between actual expenditures in 2011 and budgeted in 2012 regarding rent, staff training, and payments made for SWYCAP. The Accounting Manager briefed the Board on the planned acquisition of an automated accounting system in fiscal year 2012. The Board also noted the fee paid to credit card companies arising from online registrant transactions is absorbed by the agency as part of its budget.

B. Enforcement

The Executive Director presented case load data on the agency's enforcement function: The Board reviewed a graph on open case load history for Fiscal Years 2008-2011. It was noted that there is a trend toward lower numbers of open cases over that period. The Executive Director noted the trend has been caused by the fact that the agency no longer regulates the title "interior designer" and the change in the TDLR law increasing the deadline for the submission of plans for accessibility review from 5 days to 20 days. The Executive Director also reported that the agency is emphasizing more serious enforcement cases, which generally are more complicated and time-consuming which impacts the number of cases resolved during the fiscal year.

C. Registration

The Executive Director presented graphs depicting registration trends for the three professions regulated by the Board. The number of active registrants for architects and landscape architects is increasing. The number of registered interior designers is decreasing. The Board noted that the number of emeritus landscape architects has nearly doubled over the past two years. The Board requested staff to determine if it is possible to ascertain the median age of registrants for planning purposes. The Executive Director stated the agency will determine whether that data can be captured and report it back to the Board. Mr. Mijares also suggested staff present data on the number of applicants who have taken and passed licensure examinations. The Executive Director noted it might be difficult to track that data because the exams are given in parts over a period of time of up to five years. The Board also examined data on the residency of registrants. Roughly 66 percent of agency registrants reside in-state. The percentage has remained stable over the period from 2008 through 2011.

D. Communications

The Executive Director and the Communications Manager presented the chart on the communications efforts of the agency. It was noted that there were approximately 628 impressions made in the first quarter of the 2011. There were 120 impressions made in the second quarter; 161 made in the third quarter, and 247 in the fourth quarter. An "impression" is a presentation to a member of the public by someone on behalf of TBAE.

Report on conferences and meetings

A. 2011 CLARB Annual Meeting – September 14-18, 2011

Ms. Steinbrueck and the Executive Director attended the meeting. Ms. Steinbrueck reported to the Board on the meeting and stated that the Council discussed moving to a fully computerized licensing examination in 2013, issued its report on the definition of the term “welfare” as used in the term “health, safety and welfare” regarding the legitimate public purpose for the regulation of a profession, and reviewed NCARB’s new policy favoring 12 hours of mandatory continuing education per year. The Executive Director reported there was also discussion regarding the use of the appellation “ASLA” behind one’s name. Since some ASLA members are not licensed as landscape architects, the use of the designation, including the reference to the title “landscape architect” might mislead the public regarding the ASLA member’s licensure status. Also, she stated that a new regional director was hired from South Carolina named John Tarkany.

B. 2011 LRGV-AIA Building Communities Conference – September 24, 2011
The General Counsel and the Communications Manager made a presentation at the conference regarding HB2284. The presentation was made jointly with members of the staff of the Texas Board of Professional Engineers. The presentation was well received and well attended. The audience was divided into two groups – two-thirds architects and one-third engineers. The Chair encouraged the staff to be proactive and work with the staff of the Professional Engineering Board on this issue.

C. 2011 Government Law & Liability Conference – October 6-7, 2011
Ms. Miller attended the conference. She stated that they covered 121 topics in 2 days. Attorneys from the Office of the Attorney General spoke on open government law, electronic discovery, and judicial review. She noted that Mr. Ross spoke on judicial review of contested cases and did a very good job. They also covered the Texas Open Meetings Act, ethics, and the whistleblower statute as well as workplace safety and security. Representatives from the Governor’s Office spoke regarding duties of Board members. She concluded her report by stating that it was an excellent conference.

D. Design Futures Counsel Leadership Conference – October 9-11, 2011
The Executive Director attended the Conference.

The Board took a 30 minute recess for lunch at 11:50 a.m. and reconvened at 12:25 p.m.

5. General Counsel Report

A. Adoption of Proposed Rules
Repeal of §3.12, relating to the Joint Advisory Committee on the Practices of Architecture, Engineering and Landscape Architecture.

The General Counsel stated the proposed rule had been published in the *Texas Register*. The agency received no public comment. The rule is repealed to conform to HB 2284 which repealed the Committee’s enabling law. He stated that the Board of Professional Engineers had already repealed its counterpart to this rule.

A MOTION WAS MADE AND SECONDED (Steinbrueck/Anastos) TO REPEAL RULE 3.12. THE MOTION PASSED UNANIMOUSLY.

B. Report on HB 2284
The General Counsel gave the Board members a brief report on the agency’s implementation of House Bill 2284 which draws a brighter line of demarcation

between architecture and engineering and allows certain engineers to apply for an exemption from the Architecture Practice Act. He stated that the agency had received seven applications from engineers. Four of the seven will be reviewed by the Review Committee on Friday, October 21, 2011, the first committee meeting on the matter.

6. Report on the Rules Committee

A. Committee Report on amendments to Rules 1.69/3.69/5.79 increasing the number of mandatory continuing education program hours registrants must obtain annually; clarifying substance and acceptable continuing education.

The Rules Committee approved the draft before the Board. The Committee changed the original draft to increase to 60 days the period of time a registrant has to make up disallowed continuing education credit.

Ms. Steinbrueck stated that she understood that the impetus for increasing the mandatory continuing education requirement was that NCARB had 12 hours as the standard in its model law. Furthermore, she stated, given current economic circumstances, it is not a good time to increase continuing education hours. She also opposed the mandatory ethics hour. She stated there is a lack of empirical data to show that increasing the continuing education and requiring an hour of ethics would improve the public health, safety and welfare. The board members discussed the mandatory ethics hour at length.

A MOTION WAS MADE AND SECONDED (Mijares/Steinbrueck) TO PROPOSE RULES 1.69, 3.69 AND 5.69 TO REQUIRE 12 HOURS OF CONTINUING EDUCATION PER YEAR, TO DELETE THE REQUIREMENT FOR AN HOUR OF ETHICS TRAINING PER YEAR AND TO RESTORE EXISTING LANGUAGE TO ALLOW REGISTRANTS TO REPEAT A COURSE AFTER THREE YEARS. THE MOTION PASSED UNANIMOUSLY.

B. Committee Report on amendments to Rules 1.124/3.124/5.134 revising process for the registration and renewal of registration of business entities with the Board

The General Counsel outlined the amendments as approved by the Rules Committee. The first change in the rule requires a firm to register instead of mandating registration by a person acting on behalf of the firm. The amendment requires registered firms to file an email address with the agency for communication purposes. The Committee amended the original draft to require firms to post a copy of its registration certificate at each place of business. Finally, the third change provided for a \$30 fee to be charged for business registration and annual renewal of business registration.

The proposed rules were discussed at length by the board members. Mr. Anastos opposed the requirement that firms display a business registration certificate at each place of business.

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO PROPOSE THE COMMITTEE REPORT AMENDMENTS TO RULES 1.124/3.124/5.134 AS AMENDED TO STRIKE THE REQUIREMENT THAT FIRMS DISPLAY A COPY OF THE CERTIFICATE OF REGISTRATION AT EACH PLACE OF BUSINESS. THE MOTION PASSED (6-2) (Ms. Steinbrueck and Mr. Mijares opposed.)

Mr. Lancaster of the Texas Society of Architects informed the Board that professional firms currently pay an annual fee to the Comptroller which makes an additional charge by the agency redundant.

The Board took a break at 2:10 p.m. and reconvened at 2:20 p.m.

C. Committee Report on amendments to Rule 7.10 adopting a \$30 fee for initial business registration and for the renewal of business registration, a \$45 fee for late renewal, and a \$60 fee for renewal later than 90 days after registration expiration.

A MOTION WAS MADE AND SECONDED (Anastos/Dockery) TO PROPOSE THE COMMITTEE REPORT AMENDING RULE 7.10 TO IMPOSE AN ANNUAL BUSINESS REGISTRATION FEE AND LATE FEES FOR RENEWAL AFTER EXPIRATION, AS AMENDED TO CLARIFY THAT A MULTIDISCIPLINARY FIRM IS NOT REQUIRED TO PAY MORE THAN ONE FEE FOR REGISTRATION AND RENEWAL. THE MOTION PASSED (6-2) (Ms. Steinbrueck and Mr. Mijares opposed).

D. Committee Report on amendments to Rules 1.232/3.232/5.242 to conform penalty matrix to amendments to business registration processes.

The General Counsel explained that it was a technical, conforming amendment to update cross-references in the penalty matrix. The Committee Report also added a line specifying sanctions for failing to register a business that offers or renders regulated services.

A MOTION WAS MADE AND SECONDED (Anastos/Pinson) TO PROPOSE THE COMMITTEE REPORT AMENDMENTS TO RULES 1.232/3.232/5.242 TO CONFORM THE PENALTY MATRIX TO AMENDMENTS TO BUSINESS REGISTRATION PROCESSES. THE MOTION PASSED (7-1) (Ms. Steinbrueck opposed).

E. Committee Report on amendments to Rule 5.201 repealing obsolete provisions relating to alternative experience requirements for registered interior design applicants within a grandfather class which no longer exists.

A MOTION WAS MADE AND SECONDED (Odell/Miller) TO PROPOSE THE COMMITTEE REPORT REPEALING PORTIONS OF 5.201 WHICH REFERENCE ABOLISHED GRANDFATHER CLASSES. THE MOTION PASSED UNANIMOUSLY.

7. Enforcement Cases

The Chair recognized the Managing Litigator to present the enforcement cases.

A. TBAE v. Dwight Norton and Fountainhead Co., L.L.C.

(TBAE Case No. 044-11N; SOAH Docket No. 459-11-4646)

The contested case was heard before the State Office of Administrative Hearings. An Administrative Law Judge issued the Proposal for Decision before the Board. The proposed decision finds in favor of the Texas Board of Architectural Examiners and proposing the imposition of an administrative penalty of \$140,000.00 upon Respondent.

The Managing Litigator stated that this case involved a non-registrant who designed a charter school to be located in Schertz, Texas. He stated that the Respondent prepared plans for the school over a period of one and a half years and that he put an architect's seal on the plans. The project was never built. He

recommended that the Board approve the Proposal for Decision as written imposing a \$140,000.00 administrative penalty. Furthermore, it was noted that Respondent did not attend the Board meeting, but he had been notified of the Board meeting on multiple occasions.

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO APPROVE THE PROPOSAL FOR DECISION ISSUED BY THE ADMINISTRATIVE LAW JUDGE IN SOAH DOCKET NUMBER 459-11-4646, TEXAS BOARD OF ARCHITECTURAL EXAMINERS VS. DWIGHT NORTON AND FOUNTAINHEAD CO., L.L.C., IMPOSING AN ADMINISTRATIVE PENALTY OF \$140,000. THE MOTION PASSED UNANIMOUSLY.

The Managing Litigator explained to the Board that the remainder of the cases involved proposed agreed settlements recommended by the Executive Director.

B. Registrants

Arthur Andersson (#122-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Pinson) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 122-11A IMPOSING A \$5,500.00 PENALTY AGAINST ARTHUR ANDERSSON FOR PRACTICING ARCHITECTURE WHILE HIS ARCHITECTURAL REGISTRATION WAS DELINQUENT. THE MOTION PASSED UNANIMOUSLY.

C. Non-Registrant

Hart, James T. (#211-09N)

A MOTION WAS MADE AND SECONDED (Anastos/Bearden) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 211-09N IMPOSING A \$1,500.00 PENALTY AGAINST JAMES T. HART FOR UNLAWFUL USE OF THE TITLE "ARCHITECT". THE MOTION PASSED UNANIMOUSLY.

D. Continuing Education Case

Rohr, Anthony (#129-11A)

A MOTION WAS MADE AND SECONDED (Mijares/Anastos) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 129-11A IMPOSING A \$1,450.00 PENALTY AGAINST ANTHONY ROHR FOR FAILING TO TIMELY COMPLETE HIS CONTINUING EDUCATION HOURS. THE MOTION PASSED UNANIMOUSLY.

E. Non-Registrant Case

Schmidt, Richard (#116-11N)

A MOTION WAS MADE AND SECONDED (Pinson/Odell) TO ACCEPT THE EXECUTIVE DIRECTOR'S RECOMMENDATION IN CASE NUMBER 116-11N IMPOSING A \$1,000.00 PENALTY AGAINST RICHARD SCHMIDT FOR SUBMITTING PROPOSALS FOR ARCHITECTURAL SERVICES WITHOUT REGISTRATION AS AN ARCHITECT IN TEXAS. THE BOARD TOOK INTO CONSIDERATION THE FACTS OF THE CASE AND RESPONDENT'S COOPERATION AS MITIGATING CIRCUMSTANCES. THE MOTION PASSED UNANIMOUSLY.

8. Approval of the 2012 Board Meeting Dates

February 2, 2012

May 17-18, 2012

August 23-24, 2012

October 18-19, 2012

It was noted that Ms. Miller is excused from attending the February 2, 2012, Board meeting.

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO APPROVE THE LISTED BOARD MEETING DATES FOR 2012. THE MOTION PASSED UNANIMOUSLY.

9. Chair's Closing Remarks

The Chair stated that all architects on the Board are to attend the March NCARB meeting and the annual NCARB meeting scheduled for June in Minnesota.

10. Adjournment

A MOTION WAS MADE AND SECONDED (Pinson/Anastos) TO ADJOURN THE MEETING AT 3:23 P.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

ALFRED VIDAURRI, JR., AIA, NCARB, AICP
Chair, TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Texas Board of Architectural Examiners - Fiscal Year 2012 Budget

	FY 2012 Approved Budget	FY 2012 Actual Rev. and Exp. Sept 1, 2011-- -Nov. 30, 2011	FY 2012 Actual Rev. Earned & Exp. as a Percentage	FY 2012 Percentage of Year Expired
Total Beginning Reserve Fund Balance	1,929,213.90			
Revenues:				
Licenses & Fees	2,499,707.00	620,515.00	24.82%	25.00%
Enforcement Penalties	92,153.00	28,775.00	31.23%	25.00%
Late Fee Payments	229,816.00	41,637.50	18.12%	25.00%
Other	2,000.00	1,452.50	72.63%	25.00%
Interest	12,000.00	2,668.93	22.24%	25.00%
<i>Draw on Reserve Fund</i>	50,000.00		0.00%	25.00%
Total Revenues	2,885,676.00	695,048.93	24.09%	25.00%
Expenditures:				
Salaries and Wages	1,432,654.93	358,089.65	24.99%	25.00%
Payroll Related costs	361,768.08	77,082.60	21.31%	25.00%
Professional Fees & Services	52,486.20	10,245.45	19.52%	25.00%
Travel				
Board Travel	40,008.11	6,169.52	15.42%	25.00%
Staff Travel	31,980.22	8,612.29	26.93%	25.00%
Office Supplies	19,355.49	3,610.91	18.66%	25.00%
Postage	23,217.66	3,338.32	14.38%	25.00%
Communication and Utilities	19,907.00	3,040.53	15.27%	25.00%
Repairs and Maintenance	4,545.00	-	0.00%	25.00%
Office Rental and Equipment Leases	60,907.50	1,289.80	2.12%	25.00%
Printing and Reproduction	15,676.00	-	0.00%	25.00%
Operating Expenditures	54,200.16	21,396.52	39.48%	25.00%
Conference Registration Fees	8,561.35	3,846.19	44.93%	25.00%
Membership Dues	20,069.30	3,600.00	17.94%	25.00%
Fees for Receiving Electronic Payments	98,000.00	28,778.62	29.37%	25.00%
Staff Training	27,000.00	3,846.19	14.25%	25.00%
SWCAP Payment	55,339.00		0.00%	25.00%
Payment to GR	510,000.00		0.00%	25.00%
Exceptional Items: Accounting System 2012	50,000.00		0.00%	25.00%
Total Expenditures	2,885,676.00	532,946.59	18.47%	25.00%
Excess/(Deficiency) of Rev over Exp.	0.00	162,102.34		
Potential Draws on Reserve Fund:				
* <i>Funding for 6 months</i>	1,442,838.00			
Ending Reserve Fund Balance	486,375.90			

Figure 1
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**Texas Board of Architectural Examiners
Fiscal Year 2012 Budget
Scholarship Fund**

	FY2012 Budget	FY 2012 Actual Expenditures Sept 1, 2011--- Nov. 30, 2011	FY2012 Remainig Budget
Total Beginning Scholarship Fund Balance	191,681.00	191,681.00	182,181.00
Expenditures:			
Operating Expenditures		9,500.00	-
Total Expenditures		9,500.00	-
Excess/(Deficiency) of Rev over Exp.	191,681.00	182,181.00	-
-			
Ending Reserve Fund Balance	191,681.00	182,181.00	182,181.00

Number of Scholarships Awarded

19

Frequency per Fiscal Year----January 31, May 31, and September 30

Figure 2

EXECUTIVE DIRECTOR'S REPORT
State Auditor's Office Audit Report and Management's Responses

Chapter 1	<p>Audit Recommendations: The Agency should:</p> <ol style="list-style-type: none"> 1. Develop and implement procedures to ensure that it accurately accounts for and records all scholarship fund transactions. 2. Maintain sufficient documentation to support its financial transactions.
	<p>Management's Response: Procedures will be developed to ensure that Scholarship balances are monitored monthly for accuracy and Scholarship disbursements will be reviewed to ensure that they are properly recorded against the Scholarship Fund and that there are sufficient funds available. Agency staff are working with Comptroller staff to correct this fund imbalance between the Operating Fund and the Scholarship Fund. In addition, with the acquisition of MIP accounting software in January 2012, these balances will be easily retrievable for review and edits will be put in place.</p>
	<p>Executive Director's Report: Corrections have been made to restore the funds in the Scholarship Fund pursuant to the Auditor's recommendation. The new procedures will require controls to confirm and corroborate that each transfer is correct and sufficiently documented.</p>
Chapter 2-B	<p>Audit Recommendations: The Agency should:</p> <ol style="list-style-type: none"> 1. Develop and implement policies and procedures to address its budget process and ensure that this process fairly represents the Agency's operations. In addition, the Agency should fully document this process. 2. Consider following the best practices recommended by the Government Finance Officers Association and the National Advisory Council on State and Local Budgeting as a guide in developing its policies and procedures. 3. Maintain all documentation that supports the information used in its budget preparation.
	<p>Management's Response: Management has taken corrective action in the form of a Budget Policy Statement and the written formalization of the Budgeting Process. These revised budget principles, which incorporate Generally Accepted Accounting Principles and Legislative Appropriation Request Guidelines and are consistent with the Best Practices of the GFOA and NACSLB noted by SAO, were successfully employed during the development of the 2012 Operating Budget submission to the Board in August of 2011. The Budget Policy Statement establishes that only a balanced budget will be presented to the Board for its review and approval, built with anticipated available funds. The Board has the option of using the Reserve Fund for emergencies or capital items if it chooses, should available funds be insufficient. The Operating Budget process details the preparation of the planned Expenditures and the anticipated Revenues for the coming twelve months. Notes will be kept during the development of the Operating Budget to ensure that each line item has been documented and justified.</p>
	<p>Executive Director's Report: The Board has adopted fiscal year 2012's budget in accordance with the agency's current policy statement. The agency has developed a budgeting process as represented in the Management's Response. I am confident the agency's policy and procedure adequately addresses the Auditor's recommendation.</p>
Chapter 2-C	<p>Audit Recommendations: The Agency should:</p> <ol style="list-style-type: none"> 1. Complete the process to document all enforcement policies and procedures and ensure that it fully documents its process for assessing

EXECUTIVE DIRECTOR'S REPORT

State Auditor's Office Audit Report and Management's Responses

	<p>administrative penalties.</p> <p>2. Adopt a process that includes the review and update of its policies and procedures on a scheduled basis and ensures that its policies and procedures include an effective date.</p>
	<p>Management's Response: In response to the Auditors' assessment:</p> <ol style="list-style-type: none"> 1. The agency is currently in the process of updating and comprehensively documenting all policies and procedures, including the process for assessing administrative penalties. 2. The agency has developed a process for the adoption of policies and procedures which includes recording the effective date, as well as the effective date of any revision, repeal or replacement of a policy or procedure. The agency is adopting a process for the regular review and update of its policies and procedures.
	<p>Executive Director's Report:</p> <p>With regard to assessing administrative penalties, the Auditor stated "The Agency established adequate processes to help ensure that it consistently applies administrative penalty amounts on enforcement cases in accordance with [agency rules and law]. . . Auditors tested 30 enforcement cases and did not identify any errors." As noted in the Management's Response, the agency has updated a detailed policy and procedures for agency operations, including enforcement and the assessment of administrative penalties. There will be a regular review and update of agency policy and procedures – most likely annually.</p>
Chapter 3	<p>Audit Recommendations: The Agency should:</p> <ol style="list-style-type: none"> 1. Document all modifications to its performance measures, update its strategic plan, and gain governing board approval of those modifications. 2. Ensure that its calculations methodologies and performance measure definitions agree, and that its methodologies result in a meaningful and mathematically accurate result. 3. Develop and implement policies and procedures for calculating, reviewing, and reporting of all performance measures. The Agency should consider using the <i>Guide to Performance Measure Management</i> (State Auditor's Office Report No. 06-329, August 2006) as a best practice guide to assist in the development of the policies and procedures. 4. Ensure that employees have a clear understanding of the different circumstances under which a complaint case is considered closed and ensure that date is accurately documented in TBAsE. 5. Develop and document policies and procedures for creating its biennial report.
	<p>Management's Response: In response to the Auditors' assessment:</p> <ol style="list-style-type: none"> 1. In the future the agency will document very accurately all changes to its performance measures, update the Strategic Plan accordingly, and ensure Board approval of the changes. A staff member has been assigned specifically to address these and related issues. 2. The agency will ensure that performance measure calculation methodologies and measure definitions agree, and that the results are meaningful and accurate. The agency's performance measures will clearly articulate when a case is "closed." 3. The agency will develop and use (and in fact already has developed, recently) policies and procedures regarding all aspects of performance measures, and has assigned a staff member specifically to this task. The agency is using the State Auditor's "Guide to Performance

EXECUTIVE DIRECTOR'S REPORT
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	<p>Measure Management, 2006 Edition” to create policies. At the time of this writing, 72 individual processes and procedures have been newly adopted or are pending adoption by the Executive Director.</p> <p>4. The agency already has created a new policy and procedure for creating its biennial report, commonly called the “8930 (a) report.” At the time of this writing, this policy is pending adoption by the Executive Director.</p> <p>Further, the agency will ensure that all performance measures reported, regardless of where or when, will be calculated and presented in precisely the same manner as all other measures. That is, the same measures will be reported in the 8930 (a) report, quarterly reports, and all others—and calculated in the same manner. Lastly, all controls and procedural checks will be documented and kept for review.</p>
	<p>Executive Director's Report: At the time of the audit, the agency was in the process of transitioning to a new set of performance measures. As noted in the Management's Response we have designated an individual to examine and further refine the agency's performance measure. This individual is also responsible for tracking performance and ensuring methodologies match the definitions. I am confident the agency is adequately addressing the Auditor's recommendations.</p>
<p>Chapter 4</p>	<p>Audit Recommendations: The Agency should:</p> <ol style="list-style-type: none"> 1. Require that all programming changes be reviewed and approved by an employee who did not create the programming changes before the changes are promoted into production. The Agency should also require that approval to be documented. 2. Periodically review all employees' user access levels to determine whether they are appropriate for the users' job requirements. 3. Address the identified password control weaknesses.
	<p>Management's Response: In response to the Auditors' assessment:</p> <ol style="list-style-type: none"> 1. The agency will document very accurately all changes to TBAsE, develop Policies and Procedures accordingly, and ensure management approval of the changes. Management approval will be documented as well. 2. The agency will ensure that periodic reviews of employees' user access levels within TBAsE are carried out to determine whether those access levels are appropriate for the users' job requirements. Policies and Procedures are being developed to that end. 3. The agency has implemented programming capable of expiring TBAsE passwords and allowing TBAsE users the ability to change their own login password upon expiration. 4. The agency has implemented programming capable of encrypting TBAsE passwords. This programming feature will not allow TBAsE administrators the ability to view user passwords.
	<p>Executive Director's Report: As noted in the Management's Response, the agency has implemented the Auditor's recommendations regarding the expiration and encryption of passwords. This was completed before the conclusion of the audit. The agency's policies and procedures include controls on program changes and reviews of employees' user access levels.</p>

Status of Excepted Engineer List Application Process January 6, 2012

Total Applications Received	78
Currently on List	2
In Committee Review	5
Pending Board Review	1
In Initial Review	26
Disqualified	43
Rejected- Received After U.S. Postal Service Deadline	1

Summary
Rules §1.69/3.69/5.79
Mandatory Continuing Education

Current Rule

TBAE requires each registrant to complete 8 hours of continuing education each year. Of the 8 hours of mandatory continuing education, a registrant must complete 1 hour of accessible design (design to accommodate persons with disabilities) and 1 hour of continuing education in energy efficiency or sustainable design.

Continuing education must be pertinent to health, safety and welfare. The rules specify the subjects studied must be on technical and professional aspects of the regulated professions. However, the rule provides limited guidance on the nature of the course substance for which credit will be acceptable to TBAE. TBAE does not pre-certify courses or course providers, with the exception of continuing education provided by the agency.

TBAE conducts audits on a sample of registrants to ensure compliance. A registrant has 60 days to respond to a request for information from TBAE during the course of an audit. If a registrant's continuing education is disallowed, she/he currently has 180 days to substantiate the original report of completing continuing education or obtain other continuing education.

Inactive and emeritus registrants are exempt from continuing education requirements. Upon returning to active status, an inactive or emeritus registrant must complete continuing education for each year of inactive or emeritus status.

Proposed Rules

The Committee amendments to the continuing education rules include the following changes:

- Requires 12 hours of continuing education per year;
- Adds an extensive list describing the nature of the substance of continuing education courses and materials which are acceptable;
- Makes corresponding changes to the minimum number of hours of structured course study (8 hours); maximum number of allowable self-study hours (4 hours); and the maximum number of hours allowed for teaching courses (4 hours per classroom hour);
- Allows 30 days to respond to a request for information from TBAE;
- Allows 60 days, in lieu of the current 180 days, to substantiate disallowed continuing education credit or to obtain credits by taking other continuing education;
- Explicitly states registrants on emeritus registration status are exempt from continuing education requirements (currently exempt under other law); and
- Adds failure to respond to a request for information or to comply with an audit to a list of conduct for which discipline may be imposed.

Additional Information

The National Council of Architectural Registration Boards (“NCARB”) will consider a resolution at its next meeting to modify the NCARB Model Law to encourage the establishment of uniform standards for continuing education. NCARB generally seeks unified standards to remove barriers to reciprocal registration. NCARB indicates 34 jurisdictions require 12 hours of mandatory continuing education per year. The NCARB resolution also includes a list describing course content which relates to health, safety and welfare. The draft rule generally incorporates both provisions.

The Council of Landscape Architecture Registration Boards (“CLARB”) recently completed an extensive study and report on the meaning of the term “welfare”. The draft rule amendment also incorporates aspects of that definition. The proposal was published in the December 30, 2011 edition of the Texas Register. No public comment has been received.

Proposed Rule for Adoption

1 **§1.69. Continuing Education Requirements.**

2 (a) Each Architect shall complete a minimum of 12 [eight-(8)] continuing education program
3 hours (CEPH) in topics pertinent to the public welfare, contributing to environmental and
4 economic sustainability, promoting public health and well-being, encouraging community
5 building and stewardship, offering aesthetic and creative experiences and enabling people and
6 communities to function more effectively. These topics may include the following health and
7 safety categories:

8 (1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance
9 to protect owners and public.

10 (2) technical: surveying, structural, mechanical, electrical, communications, fire protection,
11 controls.

12 (3) environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous
13 materials, weatherproofing, insulation.

14 (4) occupant comfort: air quality, lighting, acoustics, ergonomics.

15 (5) materials and methods: building systems, products, finishes, furnishings, equipment.

16 (6) preservations: historic, reuse, adaptation.

17 (7) pre-design: land use analysis, programming, site selection, site and soils analysis.

18 (8) design: urban planning, master planning, building design, site design, interiors, safety and
19 security measures.

20 (9) Construction Documents: drawings, specifications, delivery methods.

21 (10) construction administration: contract, bidding, contract negotiations.

22 (b) Each Architect shall complete the minimum mandatory CEPH during the year immediately
23 preceding the date the Architect renews the Architect's certificate of registration. Of the 12
24 minimum mandatory CEPH, each Architect shall complete a minimum of 1 CEPH in barrier-free
25 design and at least 1 CEPH in the study of Sustainable or Energy-Efficient design [for each
26 annual registration period]. One CEPH equals a minimum of 50 [fifty-(50)] minutes of actual
27 course time. No credit shall be awarded for introductory remarks, meals, breaks, or
28 business/administration matters related to courses of study.

29 (c) [(4)] Architects shall complete a minimum of 8 [five-(5)] CEPH in structured course study.
30 [Structured course study shall consist of participation in educational activities presented by

Proposed Rule for Adoption

1 individuals or groups qualified by professional, practical, or academic experience to conduct
2 courses of study, including monographs offered by the National Council of Architectural
3 ~~Registration Boards.~~] No credit shall be awarded for the same structured course for which the
4 Architect has claimed credit during the preceding three (3) years except for the Texas
5 Accessibility Academy or another similar course offered by the Texas Department of Licensing
6 and Regulation (TDLR).

7 (d) ~~[(2)]~~ Architects may complete a maximum of 4 ~~[three (3)]~~ CEPH in self-directed study. ~~[One~~
8 ~~(1) CEPH equals one (1) hour of self directed study.]~~ Self-directed study must utilize articles,
9 monographs, or other study materials that the Architect has not previously utilized for self-
10 directed study.

11 ~~[(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall~~
12 ~~include the study of relevant technical and professional architectural subjects pertinent to the~~
13 ~~health, safety and welfare of the public. The study of topics related to barrier-free design must be~~
14 ~~used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of topics~~
15 ~~related to Sustainable or Energy Efficient design must be used to satisfy the requirements for at~~
16 ~~least one (1) of the eight (8) CEPH.]~~

17 (e) ~~[(e)]~~ The Board has final authority to determine whether to award or deny credit claimed by
18 an Architect for continuing education activities. The following types of activities may qualify to
19 fulfill continuing education program requirements:

20 (1) Attendance at courses ~~[or seminars]~~ dealing with technical architectural subjects related to
21 the Architect's profession, ethical business practices, or new technology ~~[sponsored by colleges~~
22 ~~or universities];~~

23 ~~[(2) Attendance at technical presentations or workshops on architectural subjects which are held~~
24 ~~in conjunction with conventions or seminars and are related to materials use and function;]~~

25 ~~[(3) Attendance at courses or seminars related to ethical business practices or new technology~~
26 ~~and offered by colleges, universities, professional organizations, or system suppliers;]~~

27 (2) ~~[(4)]~~ Teaching architectural courses ~~[or seminars]~~ and time spent in preparation for such
28 teaching:

29 (A) a maximum of 4 ~~[three (3)]~~ CEPH may be claimed per class hour spent teaching architectural
30 courses ~~[or seminars];~~

Proposed Rule for Adoption

1 (B) an Architect may not claim credit for teaching the same course ~~[or seminar]~~ more than once;
2 and

3 (C) College or university faculty may not claim credit for teaching.

4 (3) ~~[(5)]~~ Hours spent in professional service to the general public which draws upon the
5 Architect's professional expertise, such as serving on planning commissions, building code
6 advisory boards, urban renewal boards, or code study committees;

7 (4) ~~[(6)]~~ Hours spent in architectural research which is published or formally presented to the
8 profession or public ~~[during the annual registration period];~~

9 (5) ~~[(7)]~~ Hours spent in architectural self-directed study programs such as those organized,
10 sponsored, or approved by the American Institute of Architects, the National Council of
11 Architectural Registration Boards, or similar organizations acceptable to the Board.

12 (6) ~~[(8)]~~ College or university credit courses on ~~[dealing with]~~ architectural subjects or ethical
13 business practices; each semester credit hour shall equal 1 ~~[one (1)]~~ CEPH; each quarter credit
14 hour shall equal 1 ~~[one (1)]~~ CEPH;

15 (7) ~~[(9)]~~ One ~~[(4)]~~ CEPH may be claimed for attendance at 1 ~~[one (1)]~~ full-day session of a
16 meeting of the Texas Board of Architectural Examiners~~[-; an Architect must attend the entire full-~~
17 ~~day session in order to receive credit].~~

18 (f) ~~[(d)]~~ An Architect may be exempt from ~~[the]~~ continuing education requirements ~~[described~~
19 ~~in this subchapter]~~ for any of the following reasons:

20 (1) An Architect shall be exempt for his/her initial registration period~~[-, which shall not exceed~~
21 ~~one year];~~

22 (2) An inactive or emeritus Architect ~~[registrant]~~ shall be exempt for any registration period
23 during which the Architect's ~~[registrant's]~~ registration is in inactive or emeritus status, but all
24 continuing education credits for each period of inactive or emeritus registration shall be
25 completed before the Architect ~~[inactive registrant's]~~ registration may be returned to active status
26 ~~[unless, in lieu of completing the outstanding continuing education requirements, the inactive~~
27 ~~registrant successfully completes all sections of the current registration examination during the~~
28 ~~five (5) years immediately preceding the return to active status];~~

29 (3) An Architect who is not a full-time member of the Armed Forces shall be exempt for any
30 registration period during which the Architect serves on active duty in the Armed Forces of the
31 United States for a period of time exceeding ninety (90) consecutive days;

Proposed Rule for Adoption

- 1 (4) An Architect who has an active registration in another jurisdiction that has registration
2 requirements which are substantially equivalent to Texas registration requirements and that has a
3 mandatory continuing education program shall be exempt from mandatory continuing education
4 program requirements in Texas for any registration period during which the Architect satisfies
5 such other jurisdiction's continuing education program requirements, except with regard to the
6 requirement in Texas that each Architect complete 1 CEPE related to Sustainable or Energy-
7 Efficient design; or
- 8 (5) An Architect who is, as of September 1, 1999, a full-time faculty member or other permanent
9 employee of an institution of higher education, as defined in [Section] §61.003, Education Code,
10 and who in such position is engaged in teaching architecture.
- 11 (g) [(e)] When renewing his/her annual registration, each Architect shall attest [~~sign the~~
12 ~~statement on the renewal form attesting~~] to the Architect's fulfillment of the mandatory
13 continuing education program requirements during the preceding registration period.
- 14 (1) Each Architect shall maintain a [A] detailed record of the Architect's continuing education
15 activities [~~shall be recorded annually~~]. Each Architect shall retain proof of fulfillment of the
16 mandatory continuing education program requirements and shall retain the annual record of
17 continuing education activities required by this subsection for a period of 5 [~~five (5)~~] years after
18 the end of the registration period for which credit is claimed.
- 19 (2) Upon written request, the Board may require an Architect to produce documentation to prove
20 that the Architect has complied with the mandatory continuing education program requirements.
21 [~~The Architect shall be required to produce the documentation in the manner prescribed in the~~
22 ~~Board's written request.~~] If acceptable documentation is not provided within 30 [~~thirty (30)~~] days
23 of request, claimed credit may be disallowed. The Architect shall have 60 [~~one hundred and~~
24 ~~eighty (180)~~] calendar days after notification of disallowance of credit to substantiate the original
25 claim or earn other CEPE credit to fulfill the minimum requirements. Such credit shall not be
26 counted again for another registration period.
- 27 (3) If an Architect is registered to practice more than 1 [~~one (1)~~] of the professions regulated by
28 the Board and the Architect completes a continuing education activity that is directly related to
29 more than 1 [~~one (1)~~] of those [~~the~~] professions [~~regulated by the Board~~], the Architect may
30 submit that activity for credit for all of the professions to which it [~~directly~~] relates. The

Proposed Rule for Adoption

1 Architect must maintain a separate detailed record of continuing education activities for each
2 profession.

3 (4) An Architect may receive credit for up to 24 [~~sixteen (16)~~] CEPH earned during any single
4 registration period. A maximum of 12 [~~Any~~] CEPH that is not used to satisfy the continuing
5 education requirements for a [~~the current~~] registration period may be carried forward to satisfy
6 the continuing education requirements for the next registration period. [~~CEPH may not be carried~~
7 ~~forward beyond the registration period immediately following the registration period during~~
8 ~~which the CEPH was earned.~~]

9 (h) [(f)] Providing false information to the Board, failure [Failure] to fulfill the annual continuing
10 education program requirements, and failure to respond to, and comply with, audit and
11 verification requests may result in disciplinary action by the Board.

12 [~~(g) Any Architect who is found to have reported false information regarding the Architect's~~
13 ~~continuing education activities may be subject to disciplinary action by the Board.~~]

1 **§3.69. Continuing Education Requirements.**

2 (a) Each Landscape Architect shall complete a minimum of 12 [~~eight (8)~~] continuing education
3 program hours (CEPH) in topics pertinent to the public welfare, contributing to environmental
4 and economic sustainability, promoting public health and well-being, encouraging community
5 building and stewardship, offering aesthetic and creative experiences and enabling people and
6 communities to function more effectively. These topics may include the following health and
7 safety categories:

8 (1) legal: laws codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance to
9 protect owners and public.

10 (2) technical: surveying, grading, drainage, site layout, selection and placement of trees and
11 plants.

12 (3) environmental: sustainability, natural resources, natural hazards, design of surfaces and
13 selection and placement of trees and plants appropriate to environmental conditions.

14 (4) occupant comfort: air quality, water quality, lighting, acoustics, ergonomics.

15 (5) materials and methods: building systems, products.

16 (6) preservations: historic, reuse, adaptation.

17 (7) pre-design: land use analysis, programming, site selection, site and soils analysis.

18 (8) design: urban planning, master planning, site design, interiors, safety and security measures.

19 (9) construction documents: drawings, specifications, delivery methods.

20 (10) construction administration: contract, bidding, contract negotiations.

21 (b) Each Landscape Architect shall complete the minimum mandatory CEPH during the year
22 immediately preceding the date the Landscape Architect renews the Landscape Architect's
23 certificate of registration. Of the 12 minimum mandatory CEPH, each Landscape Architect shall
24 complete a minimum of 1 CEPH in barrier-free design and at least 1 CEPH in the study of
25 Sustainable or Energy-Efficient design [~~for each annual registration period~~]. One CEPH equals a
26 minimum of 50 [~~fifty (50)~~] minutes of actual course time. No credit shall be awarded for
27 introductory remarks, meals, breaks, or business/administration matters related to courses of
28 study.

29 (c) [(4)] Landscape Architects shall complete a minimum of 8 [~~five (5)~~] CEPH in structured
30 course study. [Structured course study shall consist of participation in educational activities
31 presented by individuals or groups qualified by professional, practical, or academic experience to

Proposed Rule for Adoption

1 ~~conduct courses of study, including monographs offered by the Council of Landscape~~
2 ~~Architectural Registration Boards.]~~ No credit shall be awarded for the same structured course for
3 which the Landscape Architect has claimed credit during the preceding 3 [~~three(3)~~] years except
4 for the Texas Accessibility Academy or another similar course offered by the Texas Department
5 of Licensing and Regulation (TDLR).

6 (d) [~~(2)~~] Landscape Architects may complete a maximum of 4 [~~three(3)~~] CEPH in self-directed
7 study. [~~One (1) CEPH equals one (1) hour of self-directed study.-~~] Self-directed study must
8 utilize articles, monographs, or other study materials that the Landscape Architect has not
9 previously utilized for self-directed study.

10 [~~(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall~~
11 ~~include the study of relevant technical and professional landscape architectural subjects pertinent~~
12 ~~to the health, safety and welfare of the public. The study of topics related to barrier free design~~
13 ~~must be used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of~~
14 ~~topics related to Sustainable or Energy Efficient design must be used to satisfy the requirements~~
15 ~~for at least one (1) of the eight (8) CEPH.]~~

16 (e) [~~(e)~~] The Board has final authority to determine whether to award or deny credit claimed by a
17 Landscape Architect for continuing education activities. The following types of activities may
18 qualify to fulfill continuing education program requirements:

19 (1) Attendance at courses [~~or seminars~~] dealing with technical landscape architectural subjects
20 related to the Landscape Architect's profession, ethical business practices, or new technology
21 [~~sponsored by colleges or universities~~];

22 [~~(2) Attendance at technical presentations or workshops on landscape architectural subjects~~
23 ~~which are held in conjunction with conventions or seminars and are related to materials use and~~
24 ~~function;~~]

25 [~~(3) Attendance at courses or seminars related to ethical business practices or new technology~~
26 ~~and offered by colleges, universities, professional organizations, or system suppliers;~~]

27 (2) [~~(4)~~] Teaching landscape architectural courses [~~or seminars~~] and time spent in preparation
28 for such teaching:

29 (A) a maximum of 4 [~~three(3)~~] CEPH may be claimed per class hour spent teaching landscape
30 architectural courses [~~or seminars~~];

Proposed Rule for Adoption

- 1 (B) a Landscape Architect may not claim credit for teaching the same course [~~or seminar~~] more
2 than once; and
- 3 (C) college or university faculty may not claim credit for teaching.
- 4 (3) [~~(5)~~] Hours spent in professional service to the general public which draws upon the
5 Landscape Architect's professional expertise, such as serving on planning commissions, building
6 code advisory boards, urban renewal boards, or code study committees;
- 7 (4) [~~(6)~~] Hours spent in landscape architectural research which is published or formally presented
8 to the profession or public [~~during the annual registration period~~];
- 9 (5) [~~(7)~~] Hours spent in landscape architectural self-directed study programs such as those
10 organized, sponsored, or approved by the American Society of Landscape Architects, the
11 Council of Landscape Architectural Registration Boards, or similar organizations acceptable to
12 the Board.
- 13 (6) [~~(8)~~] College or university credit courses on [~~dealing with~~] landscape architectural subjects or
14 ethical business practices; each semester credit hour shall equal 1 [~~one (1)~~] CEPH; each quarter
15 credit hour shall equal 1 [~~one (1)~~] CEPH;
- 16 (7) [~~(9)~~] One [~~(1)~~] CEPH may be claimed for attendance at 1 [~~one (1)~~] full-day session of a
17 meeting of the Texas Board of Architectural Examiners[; ~~a Landscape Architect must attend the~~
18 ~~entire full-day session in order to receive credit~~].
- 19 (f) [~~(d)~~] A Landscape Architect may be exempt from [~~the~~] continuing education requirements
20 [~~described in this subchapter~~] for any of the following reasons:
- 21 (1) A Landscape Architect shall be exempt for his/her initial registration period[~~, which shall not~~
22 ~~exceed one year~~];
- 23 (2) An inactive [~~registrant~~] or emeritus Landscape Architect shall be exempt for any registration
24 period during which the Landscape Architect [~~registrant's~~] registration is in inactive or emeritus
25 status, but all continuing education credits for each period of inactive or emeritus registration
26 shall be completed before the Landscape Architect's [~~inactive registrant's~~] registration may be
27 returned to active status [~~unless, in lieu of completing the outstanding continuing education~~
28 ~~requirements, the inactive registrant successfully completes all sections of the current registration~~
29 ~~examination during the five (5) years immediately preceding the return to active status~~];

Proposed Rule for Adoption

- 1 (3) A Landscape Architect who is not a full-time member of the Armed Forces shall be exempt
2 for any registration period during which the Landscape Architect serves on active duty in the
3 Armed Forces of the United States for a period of time exceeding ninety (90) consecutive days;
- 4 (4) A Landscape Architect who has an active registration in another jurisdiction that has
5 registration requirements which are substantially equivalent to Texas registration requirements
6 and that has a mandatory continuing education program shall be exempt from mandatory
7 continuing education program requirements in Texas for any registration period during which the
8 Landscape Architect satisfies such other jurisdiction's continuing education program
9 requirements, except with regard to the requirement in Texas that each Landscape Architect
10 complete 1 CEPE related to Sustainable or Energy-Efficient design; or
- 11 (5) A Landscape Architect who is, as of September 1, 1999, a full-time faculty member or other
12 permanent employee of an institution of higher education, as defined in ~~[Section]~~ §61.003,
13 Education Code, and who in such position is engaged in teaching landscape architecture.
- 14 (g) ~~(e)~~ When renewing his/her annual registration, each Landscape Architect shall attest ~~sign~~
15 ~~the statement on the renewal form attesting~~ to the Landscape Architect's fulfillment of the
16 mandatory continuing education program requirements during the preceding registration period.
- 17 (1) Each Landscape Architect shall maintain a [A] detailed record of the Landscape Architect's
18 continuing education activities ~~[shall be recorded annually]~~. Each Landscape Architect shall
19 retain proof of fulfillment of the mandatory continuing education program requirements and shall
20 retain the annual record of continuing education activities required by this subsection for a period
21 of 5 ~~[five (5) years]~~ after the end of the registration period for which credit is claimed.
- 22 (2) Upon written request, the Board may require a Landscape Architect to produce
23 documentation to prove that the Landscape Architect has complied with the mandatory
24 continuing education program requirements. ~~[The Landscape Architect shall be required to~~
25 ~~produce the documentation in the manner prescribed in the Board's written request.]~~ If acceptable
26 documentation is not provided within 30 ~~[thirty(30)]~~ days of request, claimed credit may be
27 disallowed. The Landscape Architect shall have 60 ~~[one hundred and eighty (180)]~~ calendar days
28 after notification of disallowance of credit to substantiate the original claim or earn other CEPE
29 credit to fulfill the minimum requirements. Such credit shall not be counted again for another
30 registration period.

Proposed Rule for Adoption

1 (3) If a Landscape Architect is registered to practice more than 1 [~~one (1)~~] of the professions
2 regulated by the Board and the Landscape Architect completes a continuing education activity
3 that is directly related to more than 1 [~~one (1)~~] of those [~~the~~] professions [~~regulated by the Board~~
4], the Landscape Architect may submit that activity for credit for all of the professions to which it
5 [~~directly~~] relates. The Landscape Architect must maintain a separate detailed record of
6 continuing education activities for each profession.

7 (4) A Landscape Architect may receive credit for up to 24 [~~sixteen (16)~~] CEPH earned during
8 any single registration period. A maximum of 12 [~~Any~~] CEPH that is not used to satisfy the
9 continuing education requirements for a [~~the current~~] registration period may be carried forward
10 to satisfy the continuing education requirements for the next registration period. [~~CEPH may not~~
11 ~~be carried forward beyond the registration period immediately following the registration period~~
12 ~~during which the CEPH is earned.~~]

13 (h) [(f)] Providing false information to the Board, failure [~~Failure~~] to fulfill the annual continuing
14 education program requirements, and failure to respond to, and comply with, audit and
15 verification requests may result in disciplinary action by the Board.

16 [~~(g) Any Landscape Architect who is found to have reported false information regarding the~~
17 ~~Landscape Architect's continuing education activities may be subject to disciplinary action by~~
18 ~~the Board.~~]

Proposed Rule for Adoption

1 §5.79. Continuing Education Requirements.

- 2 (a) Each Registered Interior Designer shall complete a minimum of 12 [eight (8)] continuing
3 education program hours (CEPH) in topics pertinent to the public welfare, contributing to
4 environmental and economic sustainability, promoting public health and well-being, encouraging
5 community building and stewardship, offering aesthetic and creative experiences and enabling
6 people and communities to function more effectively. These topics may include the following
7 health and safety categories:
- 8 (1) legal: laws, codes, zoning, regulations, standards, life-safety, accessibility, ethics, insurance
9 to protect owners and public.
- 10 (2) technical: structural, mechanical, electrical, communications, fire protection, controls.
- 11 (3) environmental: energy efficiency, sustainability, natural resources, natural hazards, hazardous
12 materials, weatherproofing, insulation.
- 13 (4) occupant comfort: air quality, lighting, acoustics, ergonomics.
- 14 (5) materials and methods: building systems, products, finishes, furnishings, equipment.
- 15 (6) preservations: historic, reuse, adaptation.
- 16 (7) pre-design: programming, project analysis, survey of existing conditions, including the
17 materials and configuration of the interior space of a project.
- 18 (8) design: interior building design, interior specifications, accessibility, safety, and security
19 measures.
- 20 (9) Construction Documents: drawings, specifications and other materials within the definition of
21 the term "Construction Document".
- 22 (10) construction administration: contract, bidding, and contract negotiations.
- 23 (b) Each Registered Interior Designer shall complete the minimum mandatory CEPH during the
24 year immediately preceding the date the Registered Interior Designer renews the Registered
25 Interior Designer's certificate of registration. Of the 12 minimum mandatory CEPH, each
26 Registered Interior Designer shall complete a minimum of 1 CEPH in barrier-free design and at
27 least 1 CEPH in the study of Sustainable or Energy-Efficient design [for each annual registration
28 period]. One CEPH equals a minimum of fifty (50) minutes of actual course time. No credit shall
29 be awarded for introductory remarks, meals, breaks, or business/administration matters related to
30 courses of study.

Proposed Rule for Adoption

1 (c) [(4)] Registered Interior Designers shall complete a minimum of 8 [five-(5)] CEPH in
2 structured course study. [~~Structured course study shall consist of participation in educational~~
3 ~~activities presented by individuals or groups qualified by professional, practical, or academic~~
4 ~~experience to conduct courses of study, including monographs offered by the National Council~~
5 ~~for Interior Design Qualification.~~] No credit shall be awarded for the same structured course for
6 which the Registered Interior Designer has claimed credit during the preceding 3 [three(3)]
7 years except for the Texas Accessibility Academy or another similar course offered by the Texas
8 Department of Licensing and Regulation (TDLR).

9 (d) [(2)] Registered Interior Designers may complete a maximum of 4 [three-(3)] CEPH in self-
10 directed study. [~~One (1) CEPH equals one (1) hour of self-directed study.~~] Self-directed study
11 must utilize articles, monographs, or other study materials that the Registered Interior Designer
12 has not previously utilized for self directed study.

13 [~~(b) Topics for the eight (8) CEPH shall satisfy the following requirements: All CEPH shall~~
14 ~~include the study of relevant technical and professional Interior Design subjects pertinent to the~~
15 ~~health, safety and welfare of the public. The study of topics related to barrier free design must be~~
16 ~~used to satisfy the requirements for at least one (1) of the eight (8) CEPH. The study of topics~~
17 ~~related to Sustainable or Energy Efficient design must be used to satisfy the requirements for at~~
18 ~~least one (1) of the eight (8) CEPH.~~]

19 (e) [(e)] The Board has final authority to determine whether to award or deny credit claimed by a
20 Registered Interior Designer for continuing education activities. The following types of activities
21 may qualify to fulfill continuing education program requirements:

22 (1) Attendance at courses [~~or seminars~~] dealing with technical Interior Design subjects related to
23 the Registered Interior Designer's profession, ethical business practices, or new technology
24 [~~sponsored by colleges or universities~~];

25 [~~(2) Attendance at technical presentations or workshops on Interior Design subjects which are~~
26 ~~held in conjunction with conventions or seminars and are related to materials use and function;~~]

27 [(3)] [~~Attendance at courses or seminars related to ethical business practices or new technology~~
28 ~~and offered by colleges, universities, professional organizations, or system suppliers;~~]

29 (2) [(4)] Teaching Interior Design courses [~~or seminars~~] and time spent in preparation for such
30 teaching:

Proposed Rule for Adoption

- 1 (A) a maximum of 4 [~~three (3)~~] CEPH may be claimed per class hour spent teaching Interior
2 Design courses [~~or seminars~~];
- 3 (B) a Registered Interior Designer may not claim credit for teaching the same course [~~or seminar~~
4] more than once; and
- 5 (C) college or university faculty may not claim credit for teaching.
- 6 (3) [~~(5)~~] Hours spent in professional service to the general public which draws upon the
7 Registered Interior Designer's professional expertise, such as serving on planning commissions,
8 building code advisory boards, urban renewal boards, or code study committees;
- 9 (4) [~~(6)~~] Hours spent in Interior Design research which is published or formally presented to the
10 profession or public [~~during the annual registration period~~];
- 11 (5) [~~(7)~~] Hours spent in Interior Design self-directed study programs such as those organized,
12 sponsored, or approved by the American Society of [~~Association for~~] Interior Design, the
13 International Interior Design Association, the National Council for Interior Design Education and
14 Research, or similar organizations acceptable to the Board;
- 15 (6) [~~(8)~~] College or university credit courses on [~~dealing with~~] Interior Design subjects or ethical
16 business practices; each semester credit hour shall equal 1 [~~one (1)~~] CEPH; each quarter credit
17 hour shall equal 1 [~~one (1)~~] CEPH;
- 18 (7) [~~(9)~~] One [~~(1)~~] CEPH may be claimed for attendance at one 1 [~~(1)~~] full-day session of a
19 meeting of the Texas Board of Architectural Examiners[; ~~a Registered Interior Designer must~~
20 ~~attend the entire full-day session in order to receive credit~~].
- 21 (f) [~~(d)~~] A Registered Interior Designer may be exempt from [~~the~~] continuing education
22 requirements [~~described in this subchapter~~] for any of the following reasons:
- 23 (1) A Registered Interior Designer shall be exempt for his/her initial registration period[; ~~which~~
24 ~~shall not exceed one year~~];
- 25 (2) An inactive or emeritus Registered Interior Designer [~~registrant~~] shall be exempt for any
26 registration period during which the Registered Interior Designer's [~~registrant's~~] registration is in
27 inactive or emeritus status, but all continuing education credits for each period of inactive or
28 emeritus registration shall be completed before the Registered Interior Designer's [~~inactive~~
29 ~~registrant's~~] registration may be returned to active status [~~unless, in lieu of completing the~~
30 ~~outstanding continuing education requirements, the inactive registrant successfully completes all~~

Proposed Rule for Adoption

1 ~~sections of the current registration examination during the [five (5) years immediately preceding~~
2 ~~the return to active status];~~

3 (3) A Registered Interior Designer who is not a full-time member of the Armed Forces shall be
4 exempt for any registration period during which the Registered Interior Designer serves on active
5 duty in the Armed Forces of the United States for a period of time exceeding 90 [~~ninety (90)~~]
6 consecutive days;

7 (4) A Registered Interior Designer who has an active registration in another jurisdiction that has
8 registration requirements which are substantially equivalent to Texas registration requirements
9 and that has a mandatory continuing education program shall be exempt from mandatory
10 continuing education program requirements in Texas for any registration period during which the
11 Registered Interior Designer satisfies such other jurisdiction's continuing education program
12 requirements , except with regard to the requirement in Texas that each Registered Interior
13 Designer complete 1 CEPH related to Sustainable or Energy-Efficient design; or

14 (5) A Registered Interior Designer who is, as of September 1, 1999, a full-time faculty member
15 or other permanent employee of an institution of higher education, as defined in [~~Section~~]
16 §61.003, Education Code, and who in such position is engaged in teaching Interior Design.

17 (g) [~~(e)~~] When renewing his/her annual registration, each Registered Interior Designer shall attest
18 [~~sign the statement on the renewal form attesting-~~] to the Registered Interior Designer's
19 fulfillment of the mandatory continuing education program requirements during the preceding
20 registration period.

21 (1) Each Registered Interior Designer shall maintain a [A] detailed record of the Registered
22 Interior Designer's continuing education activities [shall be recorded annually]. Each Registered
23 Interior Designer shall retain proof of fulfillment of the mandatory continuing education program
24 requirements and shall retain the annual record of continuing education activities required by this
25 subsection for a period of 5 [~~five(5)~~] years after the end of the registration period for which
26 credit is claimed.

27 (2) Upon written request, the Board may require a Registered Interior Designer to produce
28 documentation to prove that the Registered Interior Designer has complied with the mandatory
29 continuing education program requirements. [~~The Registered Interior Designer shall be required~~
30 ~~to produce the documentation in the manner prescribed in the Board's written request.] If~~
31 acceptable documentation is not provided within 30 [~~thirty (30)~~] days of request, claimed credit

Proposed Rule for Adoption

1 may be disallowed. The Registered Interior Designer shall have 60 [~~one hundred and eighty~~
2 (~~180~~)] calendar days after notification of disallowance of credit to substantiate the original claim
3 or earn other CEPH credit to fulfill the minimum requirements. Such credit shall not be counted
4 again for another registration period.

5 (3) If a Registered Interior Designer is registered to practice more than one [~~(4)~~] of the
6 professions regulated by the Board and the Registered Interior Designer completes a continuing
7 education activity that is directly related to more than 1 [~~one (1)~~] of those [~~the~~] professions [
8 ~~regulated by the Board~~], the Registered Interior Designer may submit that activity for credit for
9 all of the professions to which it [~~directly~~] relates. The Registered Interior Designer must
10 maintain a separate detailed record of continuing education activities for each profession.

11 (4) A Registered Interior Designer may receive credit for up to 24 [~~sixteen (16)~~] CEPH earned
12 during any single registration period. A maximum of 12 [~~Any~~] CEPH that is not used to satisfy
13 the continuing education requirements for a [~~the current~~] registration period may be carried
14 forward to satisfy the continuing education requirements for the next registration period. [~~CEPH~~
15 ~~may not be carried forward beyond the registration period immediately following the registration~~
16 ~~period during which the CEPH was earned.~~]

17 (h) [~~(f)~~] Providing false information to the Board, failure [~~Failure~~] to fulfill the annual continuing
18 education program requirements, and failure to respond to, and comply with, audit and
19 verification requests may result in disciplinary action by the Board.

20 [~~(g) Any Registered Interior Designer who is found to have reported false information regarding~~
21 ~~the Registered Interior Designer's continuing education activities may be subject to disciplinary~~
22 ~~action by the Board.~~]

Continuing Education Enabling Legislation

Section 1051.356. CONTINUING EDUCATION. (a) The board shall recognize, prepare, or administer continuing education programs for its certificate holders. A certificate holder must participate in the programs to the extent required by the board to keep the person's certificate of registration.

(b) The continuing education programs:

(1) must include courses relating to sustainable or energy-efficient design standards; and

(2) may include courses relating to:

(A) health, safety, or welfare; or

(B) barrier-free design.

(b-1) As part of a certificate holder's continuing education requirements for each annual registration period, the board by rule shall require the certificate holder to complete at least one hour of continuing education relating to sustainable or energy-efficient design standards.

(c) The board may recognize the continuing education programs of:

(1) a nationally acknowledged organization involved in providing, recording, or approving postgraduate education; and

(2) any other sponsoring organization or individual whose presentation is approved by the board as qualifying in design or construction health, safety, or welfare.

(d) A person is exempt from the continuing education requirements of this section if the person is, as of September 1, 1999, engaged in teaching the subject matter for which the person is registered under this subtitle as a full-time faculty member or other permanent employee of an institution of higher education, as defined by Section 61.003, Education Code.

Summary
Rules §1.124/3.124/5.134/1.232/3.232/5.242/7.10(b)
Business Registration

Current Rule

TBAE requires the registration of business entities and associations which offer or render regulated services in Texas. The current rule requires a registered natural person (an architect, landscape architect or interior designer), acting as the principal for the business entity or association, to register the firm with TBAE. For purposes of TBAE rules an association is a contractual relationship between a registrant (either a person or a business entity) and a non-registrant to offer or render regulated services. Once a principal registers a business entity or association, its annual registration renewal date coincides with the principal's registration renewal date. If the business entity stops providing regulated services, the principal is required to notify the Board. If the principal leaves the business, it must designate another natural person to serve as the business' principal which would alter the business' annual registration renewal date. The obligation to register, renew registration, and maintain up-to-date registration records is imposed upon one principal for each firm.

The agency maintains its business registration database separate from the automated system connected to the agency's website which is available for the registration of natural persons. An individual may download a registration form from the agency's web site or receive a form through the mail, complete it, and mail or email it to the agency in order to register a business or association. The information is received by agency staff and manually entered on a separate database. Since business registration is maintained on a separate database, businesses and associations do not show up on the agency's roster of registrants which is available on the agency's web site. There is currently no registration fee charged for registering and renewing the registration of businesses and associations.

Proposed Amendments

The amendments shift the duty for registering businesses and associations from a principal to the business entity or association. The amendments will establish each registered business entity and association as having its own annual registration renewal date, distinct from the registration renewal date of a principal or any other registrant. By establishing a registration renewal date for each business entity, the amendments make that date permanent. The change is necessary to include business entities and associations in the roster of registrants which are registered and renewed on the agency database for individual registrants. The intent of the amendments is to make business registration automated and similar to the registration of natural persons.

The amendments impose an annual registration fee of \$30 to cover the cost of programming and implementation of business registration within the automated system. As with the registration of natural persons, failure to renew registration by the annual registration renewal date will result in the imposition of a penalty equal to 1.5 times (\$45) the annual registration fee and after 90 days the penalty is 2 times (\$60) the annual registration fee. Unlike the process for the renewal of registration for a natural person, registration is not canceled two years after expiration.

The amendments add a requirement that each registered business is to post a certificate of registration at each place of business. The Committee determined that businesses should be

permitted to copy the certificate for additional business locations and need not obtain additional certificates from the agency.

The draft amendments also require registered businesses and associations to provide TBAE an email address. All registration renewal reminders and other communications with registered businesses and associations will be by email.

Amendments are made to the penalty matrices to correct and update cross-references to conform to the amendments to the business registration rules. The proposal was published in the December 30, 2011 edition of the Texas Register. No public comment has been received.

Proposed Rule for Adoption

1 §1.124.Business Registration.

2 (a) An [A-Principal-for-an] architectural firm or other business entity that offers or provides
3 architectural services in Texas must annually register information regarding the firm or business
4 entity with the Board, including an email address to which all TBAE correspondence will be
5 sent.

6 (b) An Architect or ~~[a-Principal-of]~~ an architectural firm which [who] enters into an agreement to
7 create a business association pursuant to ~~[section]~~ §1.122 of this title (relating to Association)
8 shall annually register the association with the Board, including an email address to which all
9 TBAE correspondence will be sent.

10 (c) If an architectural firm, [a] business entity, or association dissolves or otherwise becomes
11 unable to lawfully offer or provide architectural services in Texas, [the Architect or Principal
12 who last registered] the architectural firm, business entity, or association shall so notify the
13 Board in writing. Such notification must be postmarked or otherwise provided within 30
14 [thirty(30)] days of the date of dissolution or the date the architectural firm, business entity, or
15 association became unable to lawfully offer or provide architectural services. Such an
16 architectural firm, [A] business entity, or association may not continue to offer or provide
17 architectural services unless it employs or contracts with an Architect to offer or provide service
18 and updates its registration [another Architect or Principal files information with the Board
19 identifying himself or herself as the Principal for the business entity or association] within that
20 30 [thirty (30)] day period.

21 (d) An Architect who is a sole proprietor doing business under his/her own name is [shall be]
22 exempt from the requirements of subsections (a) - (c) of this section.

23 (e) Each registered architectural firm, business entity, or association shall annually renew its
24 unexpired registration and pay a renewal fee not later than the anniversary of the date of its
25 initial registration. Each registered architectural firm, business entity, and association shall pay a
26 registration renewal fee to renew an expired registration in an amount equal to 1-1/2 times the
27 normally required renewal fee if the registration has been expired for 90 days or less and in an
28 amount equal to twice the normally required renewal fee if the registration has been expired for
29 longer than 90 days. A firm, business entity, or association which offers or renders two or more
30 professional disciplines regulated by the Board shall pay a single registration fee. [An Architect

Proposed Rule for Adoption

1 ~~or Principal who is subject to this section shall initially register a business entity or a business~~
2 ~~association within thirty (30) days after the creation of the business entity or the business~~
3 ~~association. Thereafter the annual registration renewal of the business entity or business~~
4 ~~association shall coincide with the Architect's or Principal's renewal of architectural registration.]~~

1 **§3.124.Business Registration.**

2 (a) A [~~Principal for a~~] Landscape Architecture firm or other business entity that offers or
3 provides landscape architectural services in Texas must annually register information regarding
4 the firm or business entity with the Board, including an email address to which all TBAE
5 correspondence will be sent.

6 (b) A Landscape Architect or [~~a Principal of~~] a Landscape Architecture firm which [~~who~~] enters
7 into an agreement to create a business association pursuant to §3.122 shall annually register the
8 association with the Board, including an email address to which all TBAE correspondence will
9 be sent.

10 (c) If a Landscape Architecture firm, business entity, or association dissolves or otherwise
11 becomes unable to lawfully offer or provide Landscape Architecture services in Texas, [~~the~~
12 ~~Landscape Architect or Principal who last registered~~] the Landscape Architecture firm, business
13 entity, or association shall so notify the Board in writing. Such notification must be postmarked
14 or otherwise provided within 30 [~~thirty(30)~~] days of the date of dissolution or the date the
15 Landscape Architecture firm, business entity, or association became unable to lawfully offer or
16 provide Landscape Architecture services. Such a Landscape Architecture firm, [~~A~~] business
17 entity, or association may not continue to offer or provide Landscape Architecture services
18 unless it employs or contracts with a Landscape Architect to offer or provide service and updates
19 its registration [~~another Landscape Architect or Principal files information with the Board~~
20 ~~identifying himself or herself as the Principal for the business entity or association~~] within that
21 30 [~~thirty (30)~~] day period.

22 (d) A Landscape Architect who is a sole proprietor doing business under his/her own name shall
23 be exempt from the requirements of subsections (a) - (c) of this section.

24 (e) Each registered Landscape Architecture firm, business entity, or association shall annually
25 renew its unexpired registration and pay a renewal fee not later than the anniversary of the date
26 of its initial registration. Each registered Landscape Architecture firm, business entity, and
27 association shall pay a registration renewal fee to renew an expired registration in an amount
28 equal to 1-1/2 times the normally required renewal fee if the registration has been expired for 90
29 days or less and in an amount equal to twice the normally required renewal fee if the registration
30 has been expired for longer than 90 days. A firm, business entity, or association which offers or
31 renders two or more professional disciplines regulated by the Board shall pay a single

Proposed Rule for Adoption

1 registration fee. [~~A Landscape Architect or Principal who is subject to this section shall initially~~
2 ~~register a business entity or a business association within thirty (30) days after the creation of the~~
3 ~~business entity or the business association. Thereafter, the annual registration renewal of the~~
4 ~~business entity or business association shall coincide with the Landscape Architect's or~~
5 ~~Principal's renewal of registration as a Landscape Architect.]~~

1 **§5.134.Business Registration.**

2 (a) An [A Principal for an] Interior Design firm or other business entity that uses the title
3 "registered interior designer" to describe itself or which offers or renders the services described
4 as those of a Registered Interior Designer must annually register information regarding the firm
5 or business entity with the Board, including an email address to which all correspondence from
6 the Board will be sent.

7 (b) A Registered Interior Designer or ~~[a Principal of]~~ a Registered Interior Design firm which
8 [who] enters into an agreement to create a business association pursuant to §5.132 of this title
9 (relating to Association) shall annually register the association with the Board, including an
10 email address to which all correspondence from the Board will be sent.

11 (c) If a Registered Interior Design firm, business entity, or association dissolves or otherwise
12 becomes unable to lawfully use the title "registered interior designer" to describe itself, [the
13 Registered Interior Designer or Principal who last registered] the Registered Interior Design
14 firm, business entity, or association shall so notify the Board in writing. Such notification must
15 be postmarked or otherwise provided within 30 [thirty (30)] days of the date of dissolution or the
16 date the Registered Interior Design firm, business entity, or association became unable to
17 lawfully use the title "registered interior designer[-]" and to offer or render the services described
18 as those of a Registered Interior Designer. A business entity or association may not continue to
19 use the title "registered interior designer" or offer or render the services of a Registered Interior
20 Designer unless it employs or contracts with a Registered Interior Designer and updates its
21 registration [another Registered Interior Designer or Principal files information with the Board
22 identifying himself or herself as the Principal for the business entity or association] within that
23 30 [thirty (30)] day period.

24 (d) A Registered Interior Designer who is a sole proprietor doing business under his/her own
25 name is [shall be] exempt from the requirements of subsections (a) - (c) of this section.

26 (e) Each Registered Interior Design firm, business entity, or association shall annually renew its
27 unexpired registration and pay a renewal fee not later than the anniversary of the date of its
28 initial registration. Each Registered Interior Design firm, business entity, and association shall
29 pay a registration renewal fee to renew an expired registration in an amount equal to 1-1/2 times
30 the normally required renewal fee if registration has been expired for 90 days or less and in an
31 amount equal to twice the normally required renewal fee if the registration has been expired for

Proposed Rule for Adoption

1 longer than 90 days. A firm, business entity, or association which offers or renders two or more
2 professional disciplines regulated by the Board shall pay a single registration fee. [A Registered
3 Interior Designer or Principal who is subject to this section shall initially register a business
4 entity or a business association within thirty (30) days after creation of the business entity or the
5 business association. Thereafter, the annual registration renewal of the business entity or
6 business association shall coincide with the Registered Interior Designer's or Principal's renewal
7 of registration as a Registered Interior Designer.]

Proposed Rule for Adoption

§7.10. General Fees.

- 1 (a) FAILURE TO TIMELY PAY A REGISTRATION RENEWAL WILL RESULT IN THE
- 2 AUTOMATIC CANCELLATION OF REGISTRATION BY OPERATION OF LAW.
- 3 (b) The following fees shall apply to services provided by the Board in addition to any fee
- 4 established elsewhere by the rules and regulations of the Board or by Texas law:

Fee Description	Architects	Landscape Architects	Interior Designers
Exam Application	\$100	\$100	\$100
Examination	****	***	**
Registration by Examination - Resident	155	*355	*355
Registration by Examination - Nonresident	180	*380	*380
Reciprocal Application*****	150	150	150
Reciprocal Registration	*400	*400	*400
Active Renewal - Resident	*305	*305	*305
Active Renewal - Nonresident	*400	*400	*400
Active Renewal 1-90 days late - Resident	*457.50	*457.50	*457.50
Active Renewal greater than 90 days late - Resident	*610	*610	*610
Active Renewal 1-90 days late - Nonresident	*600	*600	*600
Active Renewal greater than 90 days late - Nonresident	*800	*800	*800
Emeritus Renewal - Resident	10	10	10
Emeritus Renewal - Nonresident	10	10	10
Emeritus Renewal 1-90 days late -	15	15	15

Proposed Rule for Adoption

Resident			
Emeritus Renewal greater than 90 days late - Resident	20	20	20
Emeritus Renewal 1-90 days late - Nonresident	15	15	15
Emeritus Renewal greater than 90 days late - Nonresident	20	20	20
<u>Annual Business Registration</u>	<u>*****30</u>	<u>*****30</u>	<u>*****30</u>
<u>Business Registration Renewal 1-90 days late</u>	<u>*****45</u>	<u>*****45</u>	<u>*****45</u>
<u>Business Registration Renewal Greater than 90 days late</u>	<u>*****60</u>	<u>*****60</u>	<u>*****60</u>
Inactive Renewal - Resident	25	25	25
Inactive Renewal - Nonresident	125	125	125
Inactive Renewal 1-90 days late - Resident	37.50	37.50	37.50
Inactive Renewal greater than 90 days late - Resident	50	50	50
Inactive Renewal 1-90 days late - Nonresident	187.50	187.50	187.50
Inactive Renewal greater than 90 days late - Nonresident	250	250	250
Reciprocal Reinstatement	610	610	610
Change in Status - Resident	65	65	65
Change in Status - Nonresident	95	95	95
Reinstatement - Resident	685	685	685
Reinstatement - Nonresident	775	775	775
Certificate of Standing - Resident	30	30	30
Certificate of Standing - Nonresident	40	40	40
Replacement or Duplicate Wall	40	40	40

Proposed Rule for Adoption

Certificate - Resident			
Replacement of Duplicate Wall Certificate - Nonresident	90	90	90
Duplicate Pocket Card	5	5	5
Reopen Fee for closed candidate files	25	25	25
Examination - Administrative Fee	-	40	-
Examination - Record Maintenance	25	25	25
Returned Check Fee	25	25	25
Application by Prior Examination	-	-	100

*These fees include a \$200 professional fee required by the State of Texas and deposited with the State Comptroller of Public Accounts into the General Revenue Fund. The fee for initial architectural registration by examination does not include the \$200 professional fee. Under the statute, the professional fee is imposed only upon each renewal of architectural registration.

**Examination fees are set by the Board examination provider, the National Council for Interior Design Qualification (“NCIDQ”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

***Examination fees are set by the Board’s examination provider, the Council of Landscape Architectural Registration Boards (“CLARB”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination is to be given.

****Examination fees are set by the Board’s examination provider, the National Council of Architectural Registration Boards (“NCARB”). Contact the Board or the examination provider for the amount of the fee, and the date and location where each section of the examination will be given.

*****Applies to engineers seeking an administrative finding of experience pursuant to House Bill 2284 as passed by the 82nd Legislature. This administrative fee as applied to engineers takes effect September 1, 2011 and expires January 1, 2012.

*****Notwithstanding the amounts shown in each column, a multidisciplinary firm which renders or offers two or more of the regulated professions of architecture, landscape architecture, and interior design is required to pay only a single fee in the same manner as a firm which offers or renders services within a single profession.

- 1 (c) The Board cannot accept cash as payment for any fee.

Proposed Rule for Adoption

1 (d) An official postmark from the U.S. Postal Service or other delivery service receipt may be
2 presented to the Board to demonstrate the timely payment of any fee.

3 (e) If a check is submitted to the Board to pay a fee and the bank upon which the check is drawn
4 refuses to pay the check due to insufficient funds, errors in routing, or bank account number, the
5 fee shall be considered unpaid and any applicable late fees or other penalties accrue. The Board
6 shall impose a processing fee for any check that is returned unpaid by the bank upon which the
7 check is drawn.

8 (f) A Registrant who is in Good Standing or was in Good Standing at the time the Registrant
9 entered into military service shall be exempt from the payment of any fee during any period of
10 active duty service in the U.S. military. The exemption under this subsection shall continue
11 through the remainder of the fiscal year during which the Registrant's active duty status expires.

Proposed Rule for Adoption

§1.232. Board Responsibilities.

- 1 (a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases
2 informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a
3 Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH
4 for a formal hearing to determine whether there has been a violation of any of the statutory
5 provisions or rules enforced by the Board.
- 6 (b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.
- 7 (c) After a formal hearing of a Contested Case, the SOAH administrative law judge who
8 conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so
9 that the Board may render a final decision with regard to the Contested Case. The proposal for
10 decision shall include findings of fact and conclusions of law.
- 11 (d) Any party of record in a Contested Case who is adversely affected by the proposal for
12 decision may file exceptions and briefs within 20 [~~twenty (20)~~] days after the date of service of
13 the proposal for decision. Replies to exceptions and briefs may be filed within 15 [~~fifteen (15)~~]
14 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be
15 filed with the Board and copies shall be served on the administrative law judge and on all other
16 parties in the same manner as for serving other documents in a Contested Case.
- 17 (e) Any party of record in a Contested Case may request an oral hearing before the Board. A
18 request for an oral hearing shall be filed with the Board and copies shall be served on the
19 administrative law judge and on all other parties in the same manner as for serving other
20 documents in a Contested Case. The Board, in its sole discretion, shall determine whether to
21 grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party
22 of record shall be allotted 30 [~~thirty (30)~~] minutes to make an oral presentation to the Board.
- 23 (f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if
24 exceptions and briefs are filed, upon the 10th [~~tenth (10th)~~] day following the time provided for
25 the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a
26 Contested Case. The Board may change a finding of fact or conclusion of law made by an
27 administrative law judge or may vacate or modify an order issued by an administrative law judge
28 only if the Board determines:
- 29 (1) that the administrative law judge did not properly apply or interpret applicable law, agency
30 rules, written policies, or prior administrative decisions;

Proposed Rule for Adoption

- 1 (2) that a prior administrative decision on which the administrative law judge relied is incorrect
 2 or should be changed; or
 3 (3) that a technical error in a finding of fact should be changed.
 4 (g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies
 5 an order pursuant to subsection (f) of this section, the Board must state in writing the specific
 6 reason and the legal basis for the change.
 7 (h) The Board shall issue a written order regarding the Board's decision to finally resolve a
 8 Contested Case that is not settled informally. The written order shall include findings of fact and
 9 conclusions of law that are based on the official record of the Contested Case. The written order
 10 may adopt by reference the findings of fact and conclusions of law made by an administrative
 11 law judge and included in the proposal for decision submitted to the Board.
 12 (i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the
 13 Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a
 14 final decision in a Contested Case shall be responsible for the cost of the preparation of the
 15 original or a certified copy of the record of the agency proceeding that is required to be sent to
 16 the reviewing court.
 17 (j) The Board and the administrative law judge who presides over the formal hearing in a
 18 Contested Case shall refer to the following guidelines to determine the appropriate penalty for a
 19 violation of any of the statutory provisions or rules enforced by the Board:

Figure: 22 TAC §1.232(j)		
Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§1.62	Administrative penalty or reprimand
Practice of architecture while registration is inactive	§1.68	Administrative penalty
Failure to fulfill mandatory continuing	§1.69	Administrative penalty or suspension

Proposed Rule for Adoption

education requirements		
Failure to use appropriate seal or signature	§1.102, §1.104(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	§1.103(a), (d), (f), (h)(2), (i) §1.105(a)(4) §1.122(c),(e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	§1.103(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	§1.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§1.103(g) §1.105(b) §1.122(d)	Administrative penalty or reprimand
Failure to notify the original design professional as required	§1.103(h)(1)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	§1.103(h)(3) §1.104(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	§1.104(b)	Administrative penalty or reprimand
Violation of requirements regarding prototypical design	§1.105(a)(1), (2), (3), (5)	Administrative penalty, reprimand, or suspension

Proposed Rule for Adoption

Failure to provide Statement of Jurisdiction	§1.106	Administrative penalty or reprimand
Failure to enter into a written agreement of association when required	§1.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§1.122(c)	Suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§1.122(e)	Suspension or revocation
Failure of [to timely register] a <u>firm, business entity, or association to register [as Principal thereof]</u>	§1.124(a) <u>and (b)</u> [, and (e)]	Administrative penalty, <u>cease and desist order, or both</u> [or reprimand]
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide architecture	§1.124(c)	Administrative penalty, reprimand, or suspension
<u>Offering or rendering the Practice of Architecture by and through a firm, business entity or association that is not duly registered</u>	§1.124	<u>Administrative penalty, cease and desist order, or both</u>
Gross incompetency	§1.142	Suspension or revocation

Proposed Rule for Adoption

Recklessness	§1.143	Suspension or revocation
Dishonest practice	§1.144(a), (c)	Suspension or revocation
Dishonest practice	§1.144(b)	Administrative penalty or reprimand
Conflict of interest	§1.145	Suspension or revocation
Failure to uphold responsibilities to the architectural profession	§1.146(a)	Suspension or revocation
Failure to uphold responsibilities to the architectural profession	§1.146(b), (c)	Administrative penalty or reprimand
Failure to act in a manner consistent with the Professional Services Procurement Act	§1.147	Administrative penalty or reprimand
Unauthorized practice or use of title "architect"	§1.148	Suspension, revocation, or denial
Criminal conviction	§1.149	Suspension or revocation
Violation by Applicant	§1.148 §1.149 §1.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural Barriers Act	§1.170	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§1.171	Administrative penalty

Proposed Rule for Adoption

- 1 (k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board
- 2 may vary from the penalty recommended in subsection (j) of this section if justified by the
- 3 circumstances of the matter or the disciplinary history of the respondent.
- 4 (l) For any violation where revocation is recommended as an appropriate penalty for the
- 5 violation, refusing to renew the respondent's certificate of registration also shall be an
- 6 appropriate penalty for the violation.
- 7 (m) If the Board or the administrative law judge determines that an administrative penalty is the
- 8 appropriate sanction for a violation, the guidelines described in §1.177 shall be applied to
- 9 determine the amount of the administrative penalty.

Proposed Rule for Adoption

§3.232. Board Responsibilities.

- 1 (a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases
2 informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a
3 Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH
4 for a formal hearing to determine whether there has been a violation of any of the statutory
5 provisions or rules enforced by the Board.
- 6 (b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.
- 7 (c) After a formal hearing of a Contested Case, the SOAH administrative law judge who
8 conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so
9 that the Board may render a final decision with regard to the Contested Case. The proposal for
10 decision shall include findings of fact and conclusions of law.
- 11 (d) Any party of record in a Contested Case who is adversely affected by the proposal for
12 decision may file exceptions and briefs within 20 [~~twenty (20)~~] days after the date of service of
13 the proposal for decision. Replies to exceptions and briefs may be filed within 15 [~~fifteen (15)~~]
14 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be
15 filed with the Board and copies shall be served on the administrative law judge and on all other
16 parties in the same manner as for serving other documents in a Contested Case.
- 17 (e) Any party of record in a Contested Case may request an oral hearing before the Board. A
18 request for an oral hearing shall be filed with the Board and copies shall be served on the
19 administrative law judge and on all other parties in the same manner as for serving other
20 documents in a Contested Case. The Board, in its sole discretion, shall determine whether to
21 grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party
22 of record shall be allotted 30 [~~thirty (30)~~] minutes to make an oral presentation to the Board.
- 23 (f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if
24 exceptions and briefs are filed, upon the 10th [~~tenth (10th)~~] day following the time provided for
25 the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a
26 Contested Case. The Board may change a finding of fact or conclusion of law made by an
27 administrative law judge or may vacate or modify an order issued by an administrative law judge
28 only if the Board determines:
- 29 (1) that the administrative law judge did not properly apply or interpret applicable law, agency
30 rules, written policies, or prior administrative decisions;

Proposed Rule for Adoption

- 1 (2) that a prior administrative decision on which the administrative law judge relied is incorrect
2 or should be changed; or
- 3 (3) that a technical error in a finding of fact should be changed.
- 4 (g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies
5 an order pursuant to subsection (f) of this section, the Board must state in writing the specific
6 reason and the legal basis for the change.
- 7 (h) The Board shall issue a written order regarding the Board's decision to finally resolve a
8 Contested Case that is not settled informally. The written order shall include findings of fact and
9 conclusions of law that are based on the official record of the Contested Case. The written order
10 may adopt by reference the findings of fact and conclusions of law made by an administrative
11 law judge and included in the proposal for decision submitted to the Board.
- 12 (i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the
13 Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a
14 final decision in a Contested Case shall be responsible for the cost of the preparation of the
15 original or a certified copy of the record of the agency proceeding that is required to be sent to
16 the reviewing court.
- 17 (j) The Board and the administrative law judge who presides over the formal hearing in a
18 Contested Case shall refer to the following guidelines to determine the appropriate penalty for a
19 violation of any of the statutory provisions or rules enforced by the Board:

Figure: 22 TAC §3.232(j)		
Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§3.62	Administrative penalty or reprimand

Proposed Rule for Adoption

Practice of landscape architecture while registration is inactive	§3.68	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§3.69	Administrative penalty or suspension
Failure to use appropriate seal or signature	§3.102 §3.104(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	§3.103(a), (d), (f), (h)(2), (i) §3.122(c), (e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	§3.103(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	§3.104(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§3.103(g) §3.122(d)	Administrative penalty or reprimand
Failure to notify the original design professional as required	§3.103(h)(1)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	§3.103(h)(3) §3.104(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	§3.104(b)	Administrative penalty or reprimand
Failure to provide Statement of Jurisdiction	§3.105	Administrative penalty or reprimand

Proposed Rule for Adoption

Failure to report a course of action taken against the respondent's advice as required	§3.105(b)	Administrative penalty, reprimand, or suspension
Failure to enter into a written agreement of association when required	§3.122	Administrative penalty or reprimand
Failure to exercise Supervision and Control over the preparation of a document as required	§3.122(c)	Suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§3.122(e)	Suspension or revocation
Failure <u>of a firm</u> , [to timely register -a] business entity, or association <u>to register</u> [as Principal thereof]	§3.124(a) <u>and</u> (b) [and (e)]	Administrative penalty, <u>cease and desist order</u> , or <u>both</u> [reprimand]
Failure to timely notify the Board upon dissolution of a business entity or association of loss of lawful authority to offer or provide landscape architecture	§3.124(c)	Administrative penalty, reprimand, or suspension
<u>Offering or rendering Landscape Architecture by and through a firm, business entity or association that is not duly</u>	<u>§3.124</u>	<u>Administrative penalty, cease and desist order, or both</u>

Proposed Rule for Adoption

<u>registered</u>		
Gross incompetency	§3.142	Suspension or revocation
Recklessness	§3.143	Suspension or revocation
Dishonest practice	§3.144(a), (c)	Suspension or revocation
Dishonest practice	§3.144(b)	Administrative penalty or reprimand
Conflict of interest	§3.145	Suspension or revocation
Failure to uphold responsibilities to the landscape architectural profession	§3.146(a)	Suspension or revocation
Failure to uphold responsibilities to the landscape architectural profession	§3.146(b), (c)	Administrative penalty or reprimand
Failure to act in a manner consistent with the Professional Services Procurement Act	§3.147	Administrative penalty or reprimand
Unauthorized practice or use of title "landscape architect"	§3.148	Suspension, revocation, or denial
Criminal conviction	§3.149	Suspension or revocation
Violation by Applicant	§3.148 §3.149 §3.151	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural	§3.170	Reprimand or administrative penalty

Proposed Rule for Adoption

Barriers Act		
Failure to respond to a Board inquiry	§3.171	Administrative penalty

- 1 (k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board
- 2 may vary from the penalty recommended in subsection (j) of this section if justified by the
- 3 circumstances of the matter or the disciplinary history of the respondent.
- 4 (l) For any violation where revocation is recommended as an appropriate penalty for the
- 5 violation, refusing to renew the respondent's certificate of registration also shall be an
- 6 appropriate penalty for the violation.
- 7 (m) If the Board or the administrative law judge determines that an administrative penalty is the
- 8 appropriate sanction for a violation, the guidelines described in §3.177 shall be applied to
- 9 determine the amount of the administrative penalty.

Proposed Rule for Adoption

§5.242. Board Responsibilities.

- 1 (a) The Board shall investigate Contested Case matters and attempt to resolve Contested Cases
2 informally as provided in Subchapter I of the Rules and Regulations of the Board. However, if a
3 Contested Case is not settled informally pursuant to Subchapter I, it shall be referred to SOAH
4 for a formal hearing to determine whether there has been a violation of any of the statutory
5 provisions or rules enforced by the Board.
- 6 (b) A formal hearing shall be conducted in accordance with the Rules of Procedure of SOAH.
- 7 (c) After a formal hearing of a Contested Case, the SOAH administrative law judge who
8 conducted the formal hearing shall prepare a proposal for decision and submit it to the Board so
9 that the Board may render a final decision with regard to the Contested Case. The proposal for
10 decision shall include findings of fact and conclusions of law.
- 11 (d) Any party of record in a Contested Case who is adversely affected by the proposal for
12 decision may file exceptions and briefs within 20 [~~twenty (20)~~] days after the date of service of
13 the proposal for decision. Replies to exceptions and briefs may be filed within 15 [~~fifteen (15)~~]
14 days after the date for the filing of exceptions and briefs. Exceptions, briefs, and replies shall be
15 filed with the Board and copies shall be served on the administrative law judge and on all other
16 parties in the same manner as for serving other documents in a Contested Case.
- 17 (e) Any party of record in a Contested Case may request an oral hearing before the Board. A
18 request for an oral hearing shall be filed with the Board and copies shall be served on the
19 administrative law judge and on all other parties in the same manner as for serving other
20 documents in a Contested Case. The Board, in its sole discretion, shall determine whether to
21 grant or deny a request for an oral hearing. If a request for an oral hearing is granted, each party
22 of record shall be allotted 30 [~~thirty (30)~~] minutes to make an oral presentation to the Board.
- 23 (f) Upon the expiration of the time provided for the filing of exceptions and briefs or, if
24 exceptions and briefs are filed, upon the 10th [~~tenth (10th)~~] day following the time provided for
25 the filing of replies to exceptions and briefs, the Board may render a decision to finally resolve a
26 Contested Case. The Board may change a finding of fact or conclusion of law made by an
27 administrative law judge or may vacate or modify an order issued by an administrative law judge
28 only if the Board determines:
- 29 (1) that the administrative law judge did not properly apply or interpret applicable law, agency
30 rules, written policies, or prior administrative decisions;

Proposed Rule for Adoption

- 1 (2) that a prior administrative decision on which the administrative law judge relied is incorrect
 2 or should be changed; or
 3 (3) that a technical error in a finding of fact should be changed.
 4 (g) If the Board makes a change to a finding of fact or conclusion of law or vacates or modifies
 5 an order pursuant to subsection (f) of this section, the Board must state in writing the specific
 6 reason and the legal basis for the change.
 7 (h) The Board shall issue a written order regarding the Board's decision to finally resolve a
 8 Contested Case that is not settled informally. The written order shall include findings of fact and
 9 conclusions of law that are based on the official record of the Contested Case. The written order
 10 may adopt by reference the findings of fact and conclusions of law made by an administrative
 11 law judge and included in the proposal for decision submitted to the Board.
 12 (i) Motions for rehearing and appeals may be filed and judicial review of final decisions of the
 13 Board may be sought pursuant to the Administrative Procedure Act. The party who appeals a
 14 final decision in a Contested Case shall be responsible for the cost of the preparation of the
 15 original or a certified copy of the record of the agency proceeding that is required to be sent to
 16 the reviewing court.
 17 (j) The Board and the administrative law judge who presides over the formal hearing in a
 18 Contested Case shall refer to the following guidelines to determine the appropriate penalty for a
 19 violation of any of the statutory provisions or rules enforced by the Board:

Figure: 22 TAC §5.242(j)		
Violation	Rule(s) Cited	Recommended Penalty
Unauthorized duplication of certificate of registration or failure to display certificate of registration as required	§5.72	Administrative penalty or reprimand
Practice of Interior Design while registration is inactive	§5.78	Administrative penalty
Failure to fulfill mandatory continuing education requirements	§5.79	Administrative penalty or suspension

Proposed Rule for Adoption

Failure to use appropriate seal or signature	§5.112 §5.114(c)	Administrative penalty or reprimand
Failure to seal documents or insert statement in lieu of seal as required	§5.113(a) and (b) §5.132(c) and (e)	Administrative penalty or reprimand
Failure to mark incomplete documents as required	§5.113(b)	Administrative penalty or reprimand
Removal of seal after issuance of documents	§5.114(e)	Administrative penalty or reprimand
Failure to maintain a document for 10 years as required	§5.113(c) §5.132(d)	Administrative penalty or reprimand
Failure to make reasonable efforts to notify the original design professional as required	§5.114(d)	Administrative penalty or reprimand
Sealing a document prepared by a person not working under the respondent's Supervision and Control	§5.114(a)	Suspension or revocation
Unauthorized use of a seal or modification of a document	§5.114(b) and (c)	Administrative penalty or reprimand
Failure to provide Statement of Jurisdiction	§5.115(a)	Administrative penalty or reprimand
Failure to report a course of action taken against the respondent's advice as required	§5.115(b)	Administrative penalty, reprimand, or suspension
Failure to enter into a written agreement of association when required	§5.132	Administrative penalty or reprimand

Proposed Rule for Adoption

Failure to exercise Supervision and Control over the preparation of a document as required	§5.132(c)	Suspension or revocation
Failure to exercise Responsible Charge over the preparation of a document as required	§5.132(e)	Suspension or revocation
Failure of a firm, [to timely register a] business entity, or association to register [as Principal thereof]	§5.134(a) and (b) [and (e)]	Administrative penalty or reprimand
Failure to timely notify the Board upon dissolution of a business entity or association or upon loss of the entity or association to use the title “registered interior designer”	§5.134(c) [(d)]	Administrative penalty, <u>cease and desist order, or both</u> [reprimand, or suspension]
<u>Representing firm, business entity or association which is not registered as Registered Interior Designer firm</u>	§5.134	<u>Administrative penalty, cease and desist order, or both</u>
Gross incompetency	§5.152	Suspension or revocation
Recklessness	§5.153	Suspension or revocation
Dishonest practice	§5.154(a), (c)	Suspension or revocation
Dishonest practice	§5.154(b)	Administrative penalty or reprimand
Conflict of interest	§5.155	Suspension or revocation
Failure to uphold responsibilities to the Interior Design profession	§5.156(a)	Suspension or revocation
Failure to uphold responsibilities	§5.156(b), (c)	Administrative penalty or

Proposed Rule for Adoption

to the Interior Design profession		reprimand
Unauthorized practice or use of title "registered interior designer"	§5.157	Suspension, revocation, or denial
Criminal conviction	§5.158	Suspension or revocation
Violation by Applicant	§5.157 §5.158 §5.160	Reprimand, administrative penalty, suspension, rejection, denial of right to reapply
Failure to submit a document as required by the Architectural Barriers Act	§5.180	Reprimand or administrative penalty
Failure to respond to a Board inquiry	§5.181	Administrative penalty

- 1 (k) The penalty for a violation of any of the statutory provisions or rules enforced by the Board
- 2 may vary from the penalty recommended in subsection (j) of this section if justified by the
- 3 circumstances of the matter or the disciplinary history of the respondent.
- 4 (l) For any violation where revocation is recommended as an appropriate penalty for the
- 5 violation, refusing to renew the respondent's certificate of registration also shall be an
- 6 appropriate penalty for the violation.
- 7 (m) If the Board or the administrative law judge determines that an administrative penalty is the
- 8 appropriate sanction for a violation, the guidelines described in §5.187 of this title (relating to
- 9 Administrative Penalty Schedule) shall be applied to determine the amount of the administrative
- 10 penalty.

	Est. Man Hours	Estimated Cost Per Hour	Total
Systems			
Analysis	120	\$41.00	\$4,920.00
Development	640	\$35.00	\$22,400.00
Testing	80	\$35.00	\$2,800.00
Implementation	24	\$35.00	\$840.00
total	864		\$30,960.00

21.6 Weeks (40-hour week)

5.4 months

Based on 2550 current business registrations cost = \$12.14 per registration

TBAE Expense for Maintaining Business Registration

Staff	% BR time	BR total salary expense
Investigator Specialist	40%	\$15,610
Investigator	20%	\$9,150
Managing Investigator	10%	\$5,692
		\$30,452

Registered Businesses Total = 2550

Yearly cost for BR-agency expense ÷ registered business = \$11.95
 Expense for postage, file maintenance, correspondence, copying = ± \$2.05

\$14.00



Firm Registration Enabling Legislation

Section 1051.306. FIRM REGISTRATION. The board by rule may require a firm, partnership, corporation, or association that engages in the practice of architecture, landscape architecture, or interior design to register with the board under this subtitle.

Section 1051.351. ANNUAL RENEWAL REQUIRED. (a) A person who is otherwise eligible to renew a certificate of registration under this subtitle may renew an unexpired certificate by paying the required renewal fee to the board before the expiration date of the certificate. A person whose certificate of registration has expired may not engage in activities that require registration until the certificate of registration has been renewed.

(b) The board by rule may adopt a system under which certificates of registration expire on various dates during the year.

(c) For the year in which the certificate of registration expiration date is changed, the board shall prorate renewal fees on a monthly basis so that each certificate holder pays only that portion of the registration fee that is allocable to the number of months during which the certificate is valid. On renewal of the certificate of registration on the new expiration date, the total registration renewal fee is payable.

Section 1051.353. PROCEDURE FOR RENEWAL. (a) A person may renew an unexpired certificate of registration by submitting proof satisfactory to the board of compliance with the board's continuing education requirement.

(b) A person whose certificate of registration has been expired for 90 days or less may renew the certificate by paying to the board a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose certificate of registration has been expired for more than 90 days but less than two years may renew the certificate by paying to the board a renewal fee equal to two times the normally required renewal fee.

(d) A person whose certificate of registration has been expired for two years or more may not renew the certificate. The person may obtain a new certificate of registration by complying with the requirements and procedures, including the examination requirements, for obtaining an original certificate.

(e) A person who was registered in this state, moved to another state, and is currently licensed or registered and has been in practice in the other state for the two years preceding the

date of the application may obtain a new certificate of registration without reexamination. The person must pay to the board a fee that is equal to two times the normally required renewal fee for the certificate of registration.

Section 1051.651. FEES. (a) The board may set a fee for a board action involving an administrative expense in an amount that is reasonable and necessary to cover the cost of administering this chapter, unless the amount of the fee is set by this chapter or by the General Appropriations Act.

(b) The board shall set the required renewal fee for:

(1) a resident of this state in an amount that is equal to the sum of:

(A) the amount determined by the board as reasonable and necessary to cover administrative costs; and

(B) an amount determined annually by the board as reasonable and necessary for the administration of the examination fee scholarship program under Section 1051.653; and

(2) nonresidents in an amount determined by the board.

(c) The board may accept payment of a fee by electronic means. The board may charge a fee to process the payment made by electronic means. The board shall set the processing fee in an amount that is reasonably related to the expense incurred by the board in processing the payment made by electronic means, not to exceed five percent of the amount of the fee for which the payment is made.

(d) A fee set by the board under this section may not be used for the purpose of earning additional revenue for the board.

Section 1051.701. REGISTRATION REQUIRED. (a) A person may not engage in the practice of architecture, or offer or attempt to engage in the practice of architecture, as defined in Section 1051.001(7)(A), (B), or (C) unless the person is registered as an architect under this chapter.

(b) A firm, partnership, corporation, or association, including a firm, partnership, corporation, or joint stock association engaged in the practice of engineering under Section 1001.405, may engage in the practice of architecture, represent to the public that the entity is engaged in the practice of architecture or is offering architectural services, or use the word "architect" or "architecture" in any manner in its name only if any practice of architecture or architectural service performed on behalf of the entity is performed by or through a person registered as an architect under this chapter.

Section 311.005. GENERAL DEFINITIONS. The following definitions apply unless the statute or context in which the word or phrase is used requires a different definition:

[Subsection (1) omitted.]

(2) "Person" includes corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, and any other legal entity.

[Subsequent Subsections omitted.]

Summary
Rule §5.201

Approved Education and Experience for Interior Design Examination
Current Rule

Section 5.201 specifies the education and corresponding experience for varying degrees of education necessary for an applicant to sit for the National Council of Interior Design Qualifications examination. TBAE recently adopted a series of amendments to other rules to eliminate grandfather provisions which allowed an applicant to sit for the examination with varying degrees of education and experience depending upon the date the applicant commenced his or her interior design education and experience. Pursuant to the recently passed amendments, an applicant who applies after September 1, 2011, must have a degree in interior design and must have specified experience.

Section 5.201 was not amended when TBAE eliminated the grandfather provisions.

Proposed Amendment

The amendment repeals provisions of Section 5.201 which reference pre-existing grandfather provisions which were recently repealed. The amendment conforms Section 5.201 to the recent changes to Section 5.31. The proposal was published in the December 30, 2011 edition of the Texas Register. No public comment has been received.

Proposed Rule for Adoption

§5.201 DESCRIPTION OF APPROVED EDUCATION FOR REGISTRATION BY EXAMINATION

(a) Pursuant to §5.31 of this title (relating to Registration by Examination,) an Applicant must **successfully demonstrate that he/she has approved Interior Design education and experience in accordance with the following table. An Applicant for Interior Design registration by examination who enrolls in an Interior Design educational program after September 1, 2006, must graduate from a program described in ID-1:**

Approved Education		Minimum Experience Required
ID-1 (Per Rule 5.31(a)(1))	Graduation from a program granted professional status by the Council for Interior Design accreditation (CIDA) or the National Architectural Accreditation Board (NAAB) or from an interior design education program outside the U.S. that is substantially equivalent to a CIDA-accredited or NAAB-accredited professional program	2 years
ID-2 (Per Rule 5.31(a)(2))	A doctorate, master's degree, or baccalaureate degree in interior design from a degree program that does not satisfy the requirements of category ID-1	3 years
ID-3 (Per Rule 5.31(a)(3))	A baccalaureate degree in a field other than interior design plus an associate's degree or a two-year or three-year certificate from an interior design program at an institution accredited by an agency recognized by the Texas Higher Education Coordinating Board (THECB)	3 years
ID-4 (Per Rule 5.31(a)(4))	A baccalaureate degree in a field other than interior design plus an associate's degree or a two-year or three-year certificate from a foreign interior design program approved or accredited by an agency acceptable to the Board	3 ½ years

Proposed Rule for Adoption

<p>ID-5 (Per Rule 5.31(a)(5))</p>	<p>An associate's degree in interior design from an institution accredited by an agency recognized by THECB plus credit for the equivalent of at least sixty (60) semester credit hours toward any baccalaureate degree</p>	<p>6 years under the direct supervision of a registered interior designer or a registered architect</p>
<p>ID-6 (Per Rule 5.31(a)(6))</p>	<p>Completion of a CIDA-accredited pre-professional assistant level program plus credit for the equivalent of at least sixty (60) semester credit hours toward any baccalaureate degree</p>	<p>4 years under the direct supervision of a registered interior designer or a registered architect</p>

(b) An Applicant may not earn credit in more than one of categories ID-1 through ID-6 4.

(c) ~~In order to earn credit in category ID-5 or ID-6, an Applicant must complete all requirements described in that category, including the experiential requirements, and apply for registration by examination on or before August 31, 2010.~~

**Registered Interior Design Education Prerequisites
Enabling Legislation**

Section 1053.152. ELIGIBILITY REQUIREMENTS. (a) The board shall establish the qualifications for the issuance or renewal of a certificate of registration under this chapter.

(b) To be eligible for a certificate of registration, an applicant must:

- (1) meet the qualifications established by the board under Subsection (a);
- (2) pass the registration examination; and
- (3) pay the required fees.

Section 1053.155. APPLICATION FOR ADMISSION TO EXAMINATION. (a) An applicant for a certificate of registration must apply to the board, on a form prescribed by the board, for admission to the registration examination.

(b) An application for admission to the registration examination must be accompanied by evidence satisfactory to the board that the applicant:

- (1) has graduated from an interior design educational program recognized and approved by the board; and
- (2) has professional experience in the field of interior design.

(c) The board shall adopt rules establishing standards for:

- (1) the recognition and approval of interior design educational programs; and
- (2) the amounts and types of professional experience necessary for registration examination eligibility.

Summary
Rules §1.191 and §1.192
Intern Development Program

Current Rules

The rules require applicants to complete the Intern Development Training Requirement by completing 5,600 training hours in the Intern Development Program administered by the National Council of Architectural Registration Boards (“NCARB”). The rules currently require training in the following areas, including several specified subcategories:

- 2,800 training hours in design and construction documents,
- 560 training hours in construction administration,
- 280 training hours in management,
- 80 training hours in professional and community service, and
- 1,880 elective training hours in any combination of the categories listed above plus hours spent teaching, researching, obtaining a post-professional degree, or engaging in a related activity.

The rules also describe the training settings in which the training hours must be completed, as well as the qualifications of the person under whose supervision and control an applicant must work in order to obtain experience credit.

Under Rule 1.192, an applicant may earn credit for fulfilling training hours only after:

- Completing 3 years in a professional program accredited by the National Architectural Accreditation Board (“NAAB”) or a program outside the United States accredited by a substantially similar accreditation board,
- Completing 3 of 4 years in a pre-professional degree program which is acceptable for entry into a 2-year NAAB-accredited professional master’s degree program, or
- Completing 1 year of a professional master’s degree program after receipt of a non-professional degree.

In order to earn credit in non-academic work settings, the applicant must work for at least 15 hours per week over a period of at least 8 weeks.

In order to earn credit for teaching or research, the applicant must be employed on a full-time basis in the teaching or research position.

A person may not count activities completed to fulfill educational prerequisites for licensure toward fulfilling the Intern Development Training Requirement.

Prospective Amendments

The amendments revise the current rules to conform to the new IDP 2.0 created by NCARB which is scheduled to go into effect on April 3, 2012. The new rules require the following core minimum training hours in the following revised categories:

- 260 core minimum training hours in pre-design
- 2,600 core minimum training hours in design
- 720 core minimum training hours in project management
- 160 core minimum training hours in practice management (business operations, leadership and service) and

- 1,860 elective training hours earned in the areas listed above (in excess of the minimum training hours listed above) or in various work and education settings.

The amendments allow credit for work under the direct supervision of architects licensed in other jurisdictions.

The amendments allow credit for work under the direct supervision of an engineer, landscape architect, or other person who is not licensed as an architect under some experience settings.

The amendments allow experience credit as soon as the applicant enrolls in an NAAB-accredited architectural education program. The amendments also would grant credit for work performed after receiving a high school diploma, a GED, or a comparable foreign diploma, if the work was performed under the supervision and control of an architect licensed in Texas or another jurisdiction with substantially similar licensing requirements for architects. Work under that category will count toward completing the experience requirements even if that work was performed prior to enrolling in an accredited architectural program.

The amendments also repeal requirements that an applicant be employed on a full-time basis into order to obtain credit for conducting research or teaching.

The amendments allow credit for a wider variety of activities working under the supervision of a wider array of internship supervisors.

As amended the rules would also list a number of courses or continuing education activities which would count toward completing the intern development experience requirement.

The proposal was published in the December 30, 2011 edition of the Texas Register. No public comment has been received.

Prospective Rule Amendment for proposal or referral to Rule Committee

RULE §1.191 Description of Experience Required for Registration by Examination

- 1 (a) Pursuant to §1.21 of this title (relating to Registration by Examination), an Applicant must
 2 successfully demonstrate completion of the Intern Development Training Requirement by
 3 earning credit for at least 5,600 Training Hours as described in this subchapter.
 4 (b) An Applicant must earn credit for at least 260 Core Minimum [~~2,800~~] Training Hours in the
 5 area of pre-design [~~areas of design and construction documents~~] in accordance with the
 6 following chart:

<u>Category 1: Pre-Design</u>	<u>Minimum Training Hours Required</u>
<u>A. Programming</u>	<u>80</u>
<u>B. Site and Building Analysis</u>	<u>80</u>
<u>C. Project Cost and Feasibility</u>	<u>40</u>
<u>D. Planning and Zoning Regulations</u>	<u>60</u>
<u>Core Minimum Hours</u>	<u>260</u>

<u>Subjects Related to Design and Construction Documents</u>	<u>Minimum Training Hours Required</u>
Programming	80
Site and Environmental Analysis	80
Schematic Design	120
Engineering Systems Coordination	120
Building Cost Analysis	80
Code Research	120
Design Development	320
Construction Documents	1,080
Specifications and Materials Research	120
Documents Checking and Coordination	80
Elective Units in Design and Construction Documents	600

Prospective Rule Amendment for proposal or referral to Rule Committee

- 1 (c) An Applicant must earn credit for at least 2,600 Core Minimum [~~five hundred and sixty~~
 2 (~~560~~)] Training Hours in the area [~~areas~~] of design [~~construction administration~~] in accordance
 3 with the following chart:

<u>Category 2: Design</u>	<u>Minimum Training Hours Required</u>
<u>A. Schematic Design</u>	<u>320</u>
<u>B. Engineering Systems</u>	<u>360</u>
<u>C. Construction Cost</u>	<u>120</u>
<u>D. Codes and Regulations</u>	<u>120</u>
<u>E. Design Development</u>	<u>320</u>
<u>F. Construction Documents</u>	<u>1,200</u>
<u>G. Material Selection and Specification</u>	<u>160</u>
<u>Core Minimum Hours</u>	<u>2,600</u>

<u>Subjects Related to Construction Administration</u>	<u>Minimum Training Hours Required</u>
<u>Bidding and Contract Negotiation</u>	<u>80</u>
<u>Construction Phase (office)</u>	<u>120</u>
<u>Construction Phase (observation)</u>	<u>120</u>
<u>Elective Units in Construction Administration</u>	<u>240</u>

- 4 (d) An Applicant must earn credit for at least 720 Core Minimum [~~two hundred and eighty (280)~~]
 5 Training Hours in the area of project management in accordance with the following chart:

<u>Category 3: Project Management</u>	<u>Minimum Training Hours Required</u>
<u>A. Bidding and Contract Negotiation</u>	<u>120</u>
<u>B. Construction Administration</u>	<u>240</u>
<u>C. Construction Phase: Observation</u>	<u>120</u>
<u>D. General Project Management</u>	<u>240</u>
<u>Core Minimum Hours</u>	<u>720</u>

<u>Subjects Related to Management</u>	<u>Minimum Training Hours Required</u>
<u>Project Management</u>	<u>120</u>
<u>Office Management</u>	<u>80</u>

Prospective Rule Amendment for proposal or referral to Rule Committee

Elective Units in Management	80
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1 (e) An Applicant must earn credit for at least 160 Core Minimum ~~[eighty (80)]~~ Training Hours in
 2 the area ~~[areas]~~ of practice management in accordance with the following chart: ~~[professional~~
 3 ~~and community service.]~~

<u>Category 4: Practice Management</u>	<u>Minimum Training Hours Required</u>
<u>A. Business Operations</u>	<u>80</u>
<u>B. Leadership and Service</u>	<u>80</u>
<u>Core Minimum Hours</u>	<u>160</u>

4 (f) An Applicant must earn credit for at least 1,860 ~~[1,880]~~ elective Training Hours. Credit for
 5 elective Training Hours may be earned in any of the categories described in subsections (b) ~~[(a)]~~
 6 - (e) of this section and/or in ~~[teaching, research, a post-professional degree, or]~~ other approved
 7 ~~[related]~~ activities described in subsection (g) of this section.

8 (g) An Applicant shall receive credit for Training Hours in accordance with the following chart:

<u>Experience</u> [Training] <u>Setting</u>	<u>Maximum Training Hours Awarded</u>
<p><u>Experience</u> [Training] <u>Setting A: Practice of Architecture</u> Training under the Supervision and Control of <u>an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who works in an organization lawfully engaged in the Practice of Architecture</u> [a registered architect when the organization's practice (1) is in the charge of a registered architect practicing as a principal and (2) encompasses the comprehensive practice of architecture]</p>	<p>No limit Every Applicant must earn at least <u>1,860</u> 1,880 Training Hours in <u>Experience</u> [Training] Setting A.</p>
<p><u>Academic Internships</u> <u>Must meet durational requirements and internship must be completed training in Experience Setting A</u></p>	<p><u>Maximum of 930 hours which count toward Minimum Training Hours in Experience Setting A or Experience</u></p>

Prospective Rule Amendment for proposal or referral to Rule Committee

<u>or Experience Setting O</u>	<u>Setting O</u>
<p><u>Training Setting [B] O: Other Work Settings</u></p> <p><u>Supervision and Control by an IDP supervisor licensed as an architect in Texas or another jurisdiction with substantially similar licensing requirements who is employed in an organization not engaged in the Practice of Architecture.</u></p> <p><u>Supervision and Control by an IDP supervisor who is not licensed in the United States or Canada but who is engaged in the Practice of Architecture outside of the United States or Canada</u></p> <p><u>Supervision and Control by a landscape architect or licensed professional engineer (practicing as a structural, civil, mechanical, fire protection, or electrical engineer in the field of building construction.)</u></p> <p>[Training under the Supervision and Control of a registered architect when the organization's practice does not encompass the comprehensive practice of architecture]</p>	<p>1860 [3,720] Training Hours</p>
<p><u>Training Setting S: Supplemental Experience [C]</u></p> <p><u>Supplemental Experience for Core Hours</u></p> <p><u>Core hours earned through supplemental experience are applied to specific IDP experience areas.</u></p> <p><u>Design or Construction Related Employment</u></p> <p><u>Design or construction related activities under the direct supervision of a person experienced in the activity (e.g. analysis of existing buildings; planning; programming; design of interior space; review of technical submissions; engaging in building</u></p>	<p>[1,880 Training Hours]</p> <p><u>930 Training Hours (Maximum)</u></p>

Prospective Rule Amendment for proposal or referral to Rule Committee

<p>construction activities).</p> <p><u>Leadership and Service</u> <u>Qualifying experience is pro bono, in support of an organized activity or in support of a specific organization. There must be an individual who can certify to NCARB that you have performed services in support of the organization.</u></p> <p><u>Additional Opportunities for Core Hours</u> <u>A maximum of 40 core hours in each of the IDP experience areas may be earned by completing any combination of these experience opportunities:</u></p> <ol style="list-style-type: none"> <u>1. NCARB Emerging Professional’s Companion (EPC): Activities</u> <u>2. NCARB’s Professional Conduct Monograph</u> <u>3. Construction Specifications Institute (CSI) Certificate Program: Certified Construction Specifier (CCS) & Certified Construction Contract Administrator (CCCA)</u> <u>4. Community-Based Design Center/Collaborative</u> <u>5. Design Competitions</u> <u>6. Site Visit with Mentor</u> <p><u>Supplemental Experience for Elective Hours</u> <u>Elective hours earned through supplemental experience are not applied to any specific IDP experience area.</u></p> <p><u>Teaching or Research</u> <u>Teaching or research in a NAAB- or CACB-accredited program under the direct supervision of a person experienced in the activity.</u></p> <p><u>Additional Opportunities for Elective Hours</u></p> <ol style="list-style-type: none"> <u>1. The Emerging Professional’s Companion (EPC): Exercises</u> <u>2. Green Building Certification Institute (GBCI) Leadership in Energy and Environmental Design Accredited Professional (LEED AP) Certification</u> <u>3. Advanced Degrees</u> 	<p><u>80 Training Hours (Minimum) 320 Training Hours (Maximum)</u></p> <p><u>600 Training Hours (Maximum)</u></p> <p><u>1,860 Elective Hours</u></p>
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Prospective Rule Amendment for proposal or referral to Rule Committee

<p>4. <u>American Institute of Architects (AIA) Continuing Education</u> 5. <u>Construction Specifications Institute Certificate Program (CSI):</u> <u>Construction Documents Technologist (CDT)</u></p> <p>[Training in a firm engaged in the practice of architecture outside the U.S. when such training is under the Supervision and Control of a person practicing architecture who is not registered in a U.S. jurisdiction]</p>	
<p style="text-align: center;">Training Setting D</p> <p>Experience directly related to architecture under the Supervision and Control of a registered engineer practicing as a structural, civil, mechanical, or electrical engineer in the field of building construction or under the Supervision and Control of a registered landscape architect</p>	<p>1,880 Training Hours</p>
<p style="text-align: center;">Training Setting E</p> <p>Experience (other than that noted above in A through D) in activities involving the design and construction of the built environment, such as analysis of existing buildings, planning, programming, design of interior space, review of technical submissions, and engaging in building construction activities, when such experience is under the Supervision and Control of a person experienced in the activity</p>	<p>936 Training Hours</p>
<p style="text-align: center;">Training Setting F</p> <p>Full-time teaching or research in an NAAB-accredited professional degree program</p>	<p>1,960 Training Hours</p> <p>To earn Training Hours in Training Setting F, an Applicant must be employed as a teacher or researcher on a full time basis.</p>

Prospective Rule Amendment for proposal or referral to Rule Committee

<p>Training Setting G Performing professional and community service when not in any of the settings described above in A through F</p>	<p>80 Training Hours</p>
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Prospective Rule Amendment for proposal or referral to Rule Committee

RULE §1.192 Additional Criteria

1 (a) One Training Hour shall equal one hour of acceptable experience. Training Hours may be
2 reported in increments of not less than .25 of an hour.

3 (b) An Applicant may earn credit for Training Hours upon enrollment in a NAAB/CACB-
4 accredited degree program; upon enrollment in a pre-professional architecture degree program at
5 a school that offers a NAAB/CACB-accredited degree program; or employment in Experience
6 Setting A described in §1.191 of this subchapter after obtaining a high school diploma, General
7 Education Degree (GED) equivalent, or a comparable foreign degree. [only after satisfactory
8 completion of any one of the following:

9 ~~–(1) three (3) years in a professional program accredited by the National Architectural~~
10 ~~Accreditation Board (NAAB) or in an architectural education program outside the United States~~
11 ~~where an evaluation by NAAB or another organization acceptable to the Board has concluded~~
12 ~~that the program is substantially equivalent to an NAAB-accredited professional program;~~

13 ~~–(2) the third year of a four-year pre-professional degree program in architecture accepted for~~
14 ~~direct entry to a two-year NAAB-accredited professional master's degree program; or~~

15 ~~–(3) one (1) year in an NAAB-accredited professional master's degree program following receipt~~
16 ~~of a non-professional degree.]~~

17 (c) In order to earn credit for Training Hours in any work setting other than a post-professional
18 degree or teaching or research, an Applicant must[=]

19 [(1) work at least thirty two (32) hours per week for a minimum period of eight (8) consecutive
20 weeks; or

21 ~~–(2)]~~ work at least fifteen (15) hours per week for a minimum period of eight (8) consecutive
22 weeks.

23 ~~[(d) To earn credit for Training Hours for teaching or research, an Applicant must be employed~~
24 ~~in the teaching or research position on a full-time basis.~~

25 ~~(e) One year in an architectural education program shall equal thirty two (32) semester credit~~
26 ~~hours or forty eight (48) quarter credit hours. An Applicant may not earn credit for Training~~
27 ~~Hours for experience that was counted toward the educational requirements for architectural~~
28 ~~registration by examination.]~~

29 (d)[(f)] Every training activity, the setting in which it took place, and the time devoted to the
30 activity must be verified by the person who supervised the activity.

FIGURE 3

NCARB IDP 2.0

THE INTERNS' ROLLOVER GUIDE

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	134-11N
Respondent:	Thayne Hillrichs and Distinctive Dwellings
Location of Respondent:	South Lake, Texas
Nature of Violation:	Title Violation – Architects’ Practice Act
Instrument:	Report and Notice of Violation

Findings:

- Thayne Hillrichs (hereafter “Respondent”) has never been registered to engage in the practice of architecture.
- Respondent is the owner of a design firm named Distinctive Dwellings.
- Neither Respondent nor Distinctive Dwellings has ever been registered to offer or provide architectural services.
- Distinctive Dwellings has never employed a full-time architect nor has it entered into any written agreement of Association with architects.
- In advertising available to the general public during 2011, Respondent, by and through his firm Distinctive Dwelling’s website (www.distinctivedwellings.net), stated that “Distinctive Dwellings . . . is a full service architectural design firm with over 21 years of experience.” The website also contained testimonials which referred to Respondent as “an incredibly talented architect.”
- Respondent cooperated fully with the Board’s investigation and took immediate steps to remedy the violations and has accepted responsibility for his conduct.

Applicable Statutory Provisions and Rules:

- A person, including a business, who or which is not registered with the Board, may neither offer nor provide architectural services. A firm or business may not use any form the word “architect” or “architectural” in its name or to describe the services it offers or provides in Texas unless it employs, or associates with, at least one architect pursuant to Board rule 1.123 and registers in compliance with Board rule 1.124; Tex. Occ. Code §§ 105.701, 1051.752, 1051.801.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of \$1,000.00 per incident which violated the title provisions of the Architects’ Practice Act for a total administrative penalty of **\$2,000.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	028-12A
Respondent:	John Vincent Burt
Location of Respondent:	Plano, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- John Vincent Burt (hereafter "Respondent") is registered as an architect in Texas with registration number 13616.
- On April 15, 2011, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of April 1, 2010 through March 31, 2011.
- On May 9, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that none of the courses submitted were pertinent to Health, Safety and Welfare. However, he believed that he was in compliance with the mandatory continuing education requirements.
- On November 2, 2011, Respondent subsequently submitted his Continuing Education Program Hour Log for the audit period and satisfied the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of April 1, 2010 through March 31, 2011, Respondent violated Board rule 1.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is \$500.00.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	072-12A
Respondent:	Charles Wesley Gundersen
Location of Respondent:	El Paso, TX
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Charles Wesley Gundersen (hereafter "Respondent") is registered as an architect in Texas with registration number 15148.
- Based upon the results of a random continuing education audit it was determined that Respondent failed to complete his continuing education requirements for the audit period of April 1, 2010 through March 31, 2011.
- In addition to completing the required continuing education hours outside of the continuing education period, Respondent falsely certified completion of CE responsibilities in order to renew his architectural registration.
- During the course of staff's investigation regarding Respondent's continuing education credits, Respondent failed to respond to a written request for information.

Applicable Statutory Provisions and Rules:

- By indicating at the time of his online renewal that he was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.
- By failing to respond to a written request for information within 30 days of staff's requests, Respondent violated Board rule 1.171 which requires that an architect answer an inquiry or produce requested documents within 30 days of a request. A violation of this nature is subject to a standard administrative penalty of **\$250.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,450.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	130-11L
Respondent:	Shawn William Massock
Location of Respondent:	Austin, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Shawn William Massock (hereafter "Respondent") is registered as a landscape architect in Texas with registration number 1839.
- On May 17, 2010, he was notified that he was being audited for compliance with the continuing education requirements for the audit period of May 1, 2010 through April 30, 2011.
- In response to the Board's letter, he sent his Continuing Education Program Hour Log (CEPH) and no supporting documentation for the audit period. Furthermore, he stated that "I do not have any course completion certificates for this time period." However, he believed that he was in compliance with the mandatory continuing education requirements.

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of his continuing education activities for the period of May 1, 2010 through April 30, 2011, Respondent violated Board rule 3.69(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is \$500.00.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	021-12A
Respondent:	Deborah Mary Morris
Location of Respondent:	Houston, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Deborah Mary Morris (hereafter "Respondent") is registered as an architect in Texas with registration number 13498.
- On February 16, 2011, she was notified that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2010 through January 31, 2011.
- On November 14, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that Respondent failed to fulfill all of the mandatory continuing education hours within the audit period.

Applicable Statutory Provisions and Rules:

- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	021-12A
Respondent:	Deborah Mary Morris
Location of Respondent:	Houston, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Deborah Mary Morris (hereafter "Respondent") is registered as an architect in Texas with registration number 13498.
- On February 16, 2011, she was notified that she was being audited for compliance with the continuing education requirements for the audit period of February 1, 2010 through January 31, 2011.
- On November 14, 2011, Respondent submitted documentation regarding the mandatory continuing education requirements. It was noted that Respondent failed to fulfill all of the mandatory continuing education hours within the audit period.

Applicable Statutory Provisions and Rules:

- By indicating at the time of her online renewal that she was in compliance with the Board's mandatory continuing education requirements, Respondent provided the Board with false information in violation of Board rule 1.69(g). The Board's standard assessment for providing false information is **\$700.00**.
- By failing to timely complete the required continuing education program hours, Respondent violated Board rule 1.69(f). The standard administrative penalty assessed for this violation is **\$500.00**.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$1,200.00**.

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
SUMMARY OF PROPOSED
ENFORCEMENT ACTION**

This document is an internal document relating to an uncontested case to be considered by the Texas Board of Architectural Examiners. This document is prepared to inform, advise and assist the Board in addressing this uncontested case.

Case Number:	050-121
Respondent:	Stacy Sawyer
Location of Respondent:	Dallas, Texas
Nature of Violation:	Violation of Continuing Education Requirements
Instrument:	Report and Notice of Violation

Findings:

- Stacy Sawyer (hereafter "Respondent") is registered as an interior designer in Texas with registration number 9662.
- On November 15, 2011, she was notified that she was being audited for compliance with the continuing education requirements for the audit period of November 1, 2011 through October 31, 2011.
- On November 21, 2011, she sent an email stating that she "had lost her assistant due to lay-offs and had no idea where the continuing education documentation was located."

Applicable Statutory Provisions and Rules:

- By failing to maintain a detailed record of her continuing education activities for the period of November 1, 2011 through October 31, 2011, Respondent violated Board rule 5.79(e)(1). The standard administrative penalty imposed upon a registrant for failing to maintain a detailed record of their continuing education activities for a period of five (5) years after the end of the registration period for which credit is claimed is \$500.00.

Action Recommended by Executive Director:

- The Executive Director recommends an administrative penalty of **\$500.00**.

DRAFT

TEXAS BOARD OF ARCHITECTURAL EXAMINERS

Minutes of October 21, 2011

Engineer Application Review Committee Meeting

William P. Hobby Jr. Building, 333 Guadalupe Street
Tower II, Conference Room 350-L
Austin, TX 78701
9:00 a.m.

1. Call to Order

Chair Chuck Anastos called the meeting of the Review Committee to order at 9:00 a.m.

2. Roll Call

The Chair called the roll. A quorum was present.

Present

Charles H. (Chuck) Anastos	Chair
Bert Mijares, Jr.	Member
Debra Dockery	Member

TBAE Staff Present

Cathy L. Hendricks	Executive Director
Scott Gibson	General Counsel
Glenda Best	Executive Administrative Manager
Katherine Crain	Legal Assistant
Steve Franz	Investigator
Glenn Garry	Communications Manager
Mary Helmcamp	Registration Manager
Michael Shirk	Managing Litigator
Jack Stamps	Managing Investigator

Attendees

Lance Kinney, P.E. (Executive Director, TBPE); David Howell, P.E. (Director of Licensing, TBPE); James Winton (Winton Engineering, Inc.); Dennis Dyke, P.E. (Abacus Engineering); James Perry (Executive Vice President, Texas Society of Architects); David Lancaster, Hon. AIA (Senior Advocate, Texas Society of Architects); and Trish B. Smith (Executive Director, Texas Society of Professional Engineers).

3. Public Comment

None.

4. Excepted Engineer Permit Applications

The Chair thanked everyone for attending the committee meeting. He stated that the purpose of the committee was to review and act upon applications for Excepted Engineer status pursuant to House Bill 2284, 82nd Legislature.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF JAMES R. WINTON P.E. (001-12E):

The Chair recognized Committee member Debra Dockery. Ms. Dockery stated she had reviewed the application of James R. Winton, P.E. and the following projects on his application:

1. Harris Creek Baptist Church of Waco, Texas;
2. Auditorium for Lorena ISD of Lorena, Texas; and
3. Waco Regional Tennis and Fitness Center.

She stated that she had reviewed a list of the documents on all three projects and there were no deficiencies noted and the projects were adequately and safely designed. Committee member Bert Mijares concurred with her assessment of the materials provided.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO APPROVE THE ENGINEER APPLICATION OF JAMES R. WINTON, P.E. OF WINTON ENGINEERING TO BE ADDED TO THE LIST OF ENGINEERS EXCEPTED FROM THE ARCHITECTURAL PRACTICE ACT. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF H.L. "HERB" CROSS, P.E. (001-12E):

Ms. Dockery stated that she had reviewed the application of H.L. Herb Cross, P.E. and the following projects on his application:

1. Raleigh State Office Building of Austin, Waco, Texas;
2. Additions to First Baptist Woodway Church of Woodway, Texas; and
3. New Elementary Facility of Robinson, Texas.

Ms. Dockery reported she had reviewed the documents on the first project and noted that there were no floor plans submitted. Without reviewing floor plans, it is impossible to assess whether the project is safe and adequate. She recommended that agency staff contact the applicant to gain further information regarding the project. Ms. Dockery outlined her analysis of the plans submitted for the second project, "Addition to the First Baptist Woodway Church of Woodway, Texas". She noted that the project was designed in 1999 and completed in 2000. At that time the project might have been subject to review under the Texas Accessibility Standards. She recommended agency staff contact the applicant to inquire if the project was submitted for accessibility review. Ms. Dockery summarized her review of the submitted materials for the third project, the New Elementary Facility of Robinson, Texas, and noted that there were no deficiencies and the project was adequately designed. Committee member Bert Mijares concurred with her assessment of the materials provided.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO POSTPONE FURTHER REVIEW OF THE APPLICATION PENDING STAFF'S RECEIPT OF

ADDITIONAL INFORMATION ON THE TWO REFERENCED PROJECTS OR THE APPLICANT'S SUBMISSION OF TWO DIFFERENT PROJECTS. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF DENNIS DYKE, P.E. (008-12E):

Ms. Dockery stated that she had reviewed the application of Dennis Dyke, P.E. of Abacus Engineering, Inc., and the following projects on his application:

1. Malone I.S.D. Additions, Malone, Texas;
2. Reisel I.S.D. Gym, Reisel, Texas; and
3. La Quinta Inn & Suites, Woodway, Texas

She stated that she had reviewed a list of the documents on all three projects and there were no deficiencies noted and the projects were adequately and safely designed. Mr. Mijares concurred with her assessment of the materials provided. Mr. Mijares observed that the two school projects should have been specified as government-owned projects which would qualify them for some code exceptions. Mr. Anastos noted that the sprinkler system in the La Quinta project appears to have been a residential system and should have been a non-residential sprinkler system but an allowance may have been granted for that. However, he agreed there were no deficiencies and the design was adequate and safe.

A MOTION WAS MADE AND SECONDED (Dockery/Mijares) TO APPROVE THE APPLICATION OF DENNIS DYKE, P.E. OF ABACUS ENGINEERING TO BE ADDED TO THE LIST OF ENGINEERS EXCEPTED FROM THE ARCHITECTURAL PRACTICE ACT. THE MOTION PASSED UNANIMOUSLY.

CONSIDERATION AND ACTION ON EXCEPTED ENGINEER APPLICATION OF HERBERT BYK, P.E. (010-12E):

Ms. Dockery stated that she had reviewed the application of Herbert Byk, P.E., and the following projects on his application:

1. Burlington Coat Factory, Edinburg, Texas;
2. Ross Stores, Edinburg, Texas; and
3. T. J. Maxx, Edinburg, Texas

She stated that she had reviewed construction documents for all three projects and noted that they were interior finish-out only. All three appeared to be prototypical designs. There was no evidence submitted to establish that the applicant was the original drafter of the prototypes or if he made significant changes to the prototypes. The Burlington Coat Factory project included eleven sheets of plans, four sheets of which did not bear the applicant's seal. The unsealed sheets are critical to assessing the safety and adequacy of the design because they depict means of egress. The second project that was reviewed was the project identified as "Ross Stores". Ten sheets of plans were provided for this prototype and the first sheet was a duplicate. She stated that there was no clear author of the plans. Bert Mijares agreed with her assessment. The third project that was reviewed was a project titled "T.J. Maxx". Five sheets were submitted and two

of those sheets were duplicates. Ms. Dockery stated that the materials submitted did not establish that the applicant met the standard for the safe and adequate design of three buildings. Mr. Mijares agreed.

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO DENY THE APPLICATION OF HERBERT BYK, P.E., IN CASE NO. 010-12E) FOR PLACEMENT ON THE EXEMPT ENGINEER LIST. THE MOTION PASSED UNANIMOUSLY.

In response to an inquiry from the Chair, the General Counsel stated that Mr. Byk will be notified that he may appeal the committee's decision to the Board. If Mr. Byk is not satisfied with the Board's decision, under the law, he may file a complaint at the State Office of Administrative Hearings.

The Chair requested that the audience voice their opinion on how the meeting was conducted. Lance Kinney, the Executive Director from the Texas Board of Professional Engineers commented that he was very pleased with the progress of the meeting and that the review done by the committee seems to be very reasonable. They were pleased with the fact that the committee was amenable to allowing applicants to supplement applications in order to make the process better.

The Committee noted it would be helpful if each set of plans were in a single PDF instead of a separate sheet per each PDF.

Mr. Winton stated that if there were issues that needed to be addressed at the committee meeting level, that the committee may want to point that out to the applicant prior to the meeting so they could attend and be prepared to address those issues.

The Executive Director stated that James Winton and Dennis Dyke would be listed on the TBAE website today pursuant to HB 2284.

5. Adjournment

A MOTION WAS MADE AND SECONDED (Mijares/Dockery) TO ADJOURN THE MEETING AT 9:25 A.M. THE MOTION PASSED UNANIMOUSLY.

Approved by the Board:

CHARLES "CHUCK" H. ANASTOS, AIA
Chair of the HB2284 TBAE Review Committee
TEXAS BOARD OF ARCHITECTURAL EXAMINERS

HB 2284 TBAE Review Committee

*Chuck Anastos, Chair
Bert Mijares
Debra Dockery
Alfred Vidaurri, Alternate*

**TEXAS BOARD OF ARCHITECTURAL EXAMINERS
HB 2284 TBAE Review Committee Meeting Agenda**

William P. Hobby, Jr. State Office Building
333 Guadalupe Street
Tower II, Conference Room 350-L
Austin, Texas
Friday, February 3, 2012
9:00 a.m.

1. Call to Order
2. Roll Call
3. Public Comment
4. Minutes – Approval of minutes of the October 21, 2011 meeting of the HB 2284 TBAE Review Committee
5. **Excepted Engineer Permit Applications** (*Action*)
Review and act upon the following applications for Excepted Engineer status pursuant to House Bill 2284, 82nd Legislature:
 - A. H. L. “Herb” Cross, P.E. (002-12E)
 - B. David Isbell, P.E. (009-12E)
 - C. Delbert F. Richardson, P.E. (016-12E)
 - D. Burl L. Richardson, P. E. (023-12E)
 - E. Franklin Johnston, P.E. (029-12E)
 - F. Sina Nejad, P.E., (044-12E)
 - G. Richard Roberts, P.E., (079-12E)
 - H. John Richard Rogers, P.E., (080-12E)
 - I. Robert Short, P.E., (107-12E)
6. Adjourn